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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

**Bill 104**

(1997, chapter 7)

**An Act respecting the reduction of labour costs  
in the public sector and implementing  
the agreements reached for that purpose**

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**Introduced 21 March 1997****Passage in principle 21 March 1997****Passage 21 March 1997****Assented to 22 March 1997**

**EXPLANATORY NOTES**

*This bill implements agreements reached with several public sector employees' associations to reduce labour costs having regard to the conditions of employment agreed on between the parties.*

*In addition, the bill temporarily broadens eligibility for retirement and modifies the conditions of employment of various groups of persons in whose respect labour costs cannot be reduced in any other way.*

*Lastly, the bill sets out the manner in which labour costs are to be reduced for public sector employers and associations of employees that have been unable to come to an agreement.*

## **Bill 104**

### **AN ACT RESPECTING THE REDUCTION OF LABOUR COSTS IN THE PUBLIC SECTOR AND IMPLEMENTING THE AGREEMENTS REACHED FOR THAT PURPOSE**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **DIVISION I**

##### **OBJECT AND APPLICATION**

**1.** The object of this Act is to reduce labour costs in the public sector, having regard to conditions of employment agreed on for that purpose between the parties.

With that objective in view, this Act temporarily broadens eligibility for retirement and modifies other conditions of employment.

**2.** For the purposes of this Act, the Government, its departments and the bodies listed in Schedule 1 form part of the public sector.

The Lieutenant-Governor, the National Assembly, any person designated by the National Assembly under any Act, any body of which the National Assembly or any of its committees appoints the majority of the members and any person designated by the Government under any Act whose personnel is appointed and remunerated pursuant to the Public Service Act (R.S.Q., chapter F-3.1.1) are considered to be bodies that form part of the public sector.

**3.** By reason of agreements in principle reached between the parties, the labour cost reduction measures provided for by Division II and Division III do not apply to the employees represented by the associations of employees or groups of associations of employees listed in Schedule 2.

#### **DIVISION II**

##### **LABOUR COSTS FOR THE YEAR 1996-97**

**4.** Every public sector employer must take the remuneration reduction measures prescribed by the Government in respect of every employee in whose respect a 1.5-day period of unpaid leave or another cutback measure considered equivalent by the Government was not applied for the period from 25 December 1996 to 31 March 1997.

The measures prescribed by the Government shall not entail a reduction of the remuneration paid to the employee exceeding 0.57% of the annual remuneration determined according to the salary rate applicable to him.

**5.** Every public sector body must apply, according to the terms and conditions determined by the Government, a cutback measure in the form of a 1.5-day period of unpaid leave to all of its members in whose respect such a measure was not applied for the period from 25 December 1996 to 31 March 1997.

**6.** The salary of every member of the Court of Québec and, to the extent that it is determined by reference to such salary, the salary of every municipal judge and of every justice of the peace together with, where applicable, the additional remuneration attached to the function of chief judge, senior associate chief judge, associate chief judge, coordinating judge or associate coordinating judge, fixed in accordance with the Courts of Justice Act (R.S.Q., chapter T-16), shall be reduced by 2.3% for the period from 1 April 1997 to 30 June 1997. A 1.5-day period of compensatory leave shall be granted to such judges according to the terms and conditions determined by the chief judge.

**7.** The total amount of the annual indemnities that a Member of the National Assembly or a member of the Executive Council receives under section 1 or 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) or under section 7 of the Executive Power Act (R.S.Q., chapter E-18) shall be reduced by 2.3% for the period from 1 April 1997 to 30 June 1997.

**8.** The overall resource envelopes applicable to medical specialists, general practitioners and optometrists, in accordance with an agreement entered into under section 19 of the Health Insurance Act (R.S.Q., chapter A-29), shall be reduced by 0.5% for the fiscal year 1996-97.

**9.** The Régie de l'assurance-maladie du Québec must reduce by 2% the remuneration it pays, according to the tariff determined in an agreement entered into under section 19 of the Health Insurance Act, to specialists in oral and maxillofacial surgery, to dental surgeons and to proprietary pharmacists for services provided for the period from 1 April 1997 to 30 June 1997.

**10.** Section 4 applies to residents in medicine governed by an agreement entered into under section 19.1 of the Health Insurance Act.

### **DIVISION III**

#### **LABOUR COSTS FROM THE FISCAL YEAR 1997-98**

##### *§1. — Employees and members of bodies*

**11.** The conditions of employment provided for by Schedule 3 apply to teachers governed by a collective agreement in force on 22 March 1997 between a college and an association of employees representing teachers.

**12.** Every body referred to in paragraph 4, 5 or 6 of Schedule 1 and any association of employees certified to represent employees in the employ of the body must negotiate the application of measures entailing a reduction by 6%, from 1 July 1997, of the labour costs in respect of such employees.

Failing an agreement by 1 July 1997, the work time reduction measures provided for by Schedule 4 apply.

**13.** The measures provided for by Schedule 4 apply to employees in the employ of a body referred to in paragraph 4, 5 or 6 of Schedule 1 who are not represented by an association of employees.

**14.** The total annual payroll applicable on 31 March 1997 to the staff of a Minister's office, to the office staff referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) and to the staff of a Member of the National Assembly shall be reduced by 6%.

**15.** The Government or any other public sector authority empowered to determine the conditions of employment of members of a body, management staff or executive officers must modify those conditions of employment to reduce by 6%, from 1 July 1997, the labour costs in their respect, unless the reduction of costs is effected by other means, in particular by staff reductions.

Any remuneration reduction measure taken by a body in respect of its employees also applies in respect of its members and executive officers, unless an equivalent remuneration reduction measure already applies to them.

## §2. — *Health professionals and residents in medicine*

**16.** The parties to an agreement entered into under section 19 of the Health Insurance Act must negotiate stipulations to reduce by 6% on an annual basis, from 1 July 1997, the costs attached to the provision of services.

Failing an agreement by 1 July 1997, section 17 or 18, as the case may be, and section 19 apply.

**17.** For the fiscal year 1997-98, the overall resource envelopes applicable to medical specialists, general practitioners and optometrists, in accordance with the provisions of an agreement in effect under the Health Insurance Act, shall be reduced by 4.5%. From the fiscal year 1998-99, such annual envelopes shall be reduced by 6%.

The Régie must reduce by 6% the remuneration it pays to such health professionals according to the tariffs, salary rates and scales and premiums provided for by the agreement for services that are provided from 1 July 1997. The applicable practice earnings ceilings and quarterly ceilings shall also be reduced by 6% from that date.

**18.** The Régie must reduce by 6% the remuneration it pays to specialists in oral and maxillofacial surgery, to dental surgeons and to proprietary pharmacists according to the applicable salary rates and scales and premiums under the Health Insurance Act for services that are provided from 1 July 1997. The applicable quarterly ceilings shall also be reduced by 6% from that date.

**19.** Where a practice earning ceiling or a quarterly ceiling referred to in section 17 or 18 refers to a period which begins before 1 July 1997 and ends after that date, the ceiling shall be reduced proportionally to the ratio between the duration of the period not yet expired on 1 July 1997 and the total duration of the reference period.

**20.** The parties to an agreement entered into under section 19.1 of the Health Insurance Act must negotiate stipulations to reduce, from 1 July 1997, the costs attached to the provision of services of residents in medicine in accordance with the object of this Act.

Failing an agreement by 1 July 1997, the cutback measures prescribed by the Government to effect the cost reductions referred to in the first paragraph apply from that date.

§3. — *Members of the National Assembly and members of the Executive Council*

**21.** For the period from 1 July 1997 to 30 June 1998, the total amount of annual indemnities received by Members of the National Assembly and by members of the Executive Council under section 1 or 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly and under section 7 of the Executive Power Act shall be reduced by 6%.

Subsequently, the total amount so reduced shall vary each year according to the percentage of variation in the lowest average amount and the highest average amount determined on 1 July 1998 in the salary scale of the class IV group of senior management positions.

## **DIVISION IV**

### **AGREEMENTS OR ALTERNATE MEASURES**

**22.** An employer and an association of employees representing employees in whose respect a measure prescribed under section 4 applies may, during the period of application of that measure, negotiate and ratify stipulations to reduce the labour costs in respect of such employees otherwise than by a cutback measure provided for by that section.

As regards employees to whom such a measure applies who are not represented by an association of employees, an employer may, according to law, take any other measure which reduces the labour costs in their respect.

**23.** An employer and an association of employees representing employees in whose respect a measure taken under Schedule 4 applies may negotiate and ratify stipulations to reduce by 6% the labour costs in respect of such employees otherwise than by the reduction of work time provided for by that schedule or to replace compensatory leave by another form of work time distribution.

As regards employees in whose respect a measure taken under Schedule 4 applies who are not represented by an association of employees, an employer may, according to law, take any other measure which reduces the labour costs in their respect by 6%.

**24.** The parties to an agreement entered into under section 19 or 19.1 of the Health Insurance Act may negotiate and ratify stipulations to reduce the costs attached to the provision of services otherwise than by the reduction provided for by section 8, 9, 10, 17 or 18, as the case may be.

**25.** To the extent that they entail a reduction of the labour costs in respect of the employees to whom they apply in a proportion at least equivalent to the reduction provided for by section 4 or by the second paragraph of section 12, the stipulations or alternate measures ratified pursuant to section 22 or 23 shall prevail over those prescribed under section 4 or provided for by Schedule 4.

The same applies in respect of the stipulations ratified pursuant to section 24 relative to the measures applicable in respect of health professionals under section 8, 9, 10, 17 or 18, as the case may be.

## **DIVISION V**

### **POWERS OF THE GOVERNMENT**

**26.** For the purposes of this Act, the Government may

(1) determine terms and conditions for the granting by the employer of the compensatory leave referred to in Schedule 4 or for the carry-over of such leave, for its application for the purposes of salary-insurance and early retirement, and for the cashing out of such leave ;

(2) exempt from the application of Schedule 4 any other class of employees for whom the granting of compensatory leave does not appear appropriate to the Government by reason of the mode of hiring or remuneration of those employees ;

(3) prescribe the cutback measures applicable to the employees referred to in section 4, in particular the reduction of the salary paid to the employees, the reduction of the number of days of sick-leave that are credited to the employees and may be cashed out, the reduction of the indemnity standing in lieu of sick-leave or the reduction of the indemnity pertaining to the annual vacation, and prescribe the applicable level of reduction and the terms and conditions of application ;

(4) where the Government considers it appropriate having regard to the nature of the activities of the employees concerned, provide for the granting of leave in return for the salary reduction measures referred to in subparagraph 3, for the number of days of leave and for the terms and conditions subject to which the leave may be taken.

The measures and terms and conditions prescribed under this section may vary according to the groups of employees determined by the Government.

**27.** An order in council made under this Act takes effect on the date on which it is made or on any later date fixed therein. The Regulations Act (R.S.Q., chapter R-18.1) does not apply to the order in council or to the draft order in council.

## **DIVISION VI**

### **AMENDING PROVISIONS**

#### **ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

**28.** The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting, after section 85.21, the following chapter:

#### **“CHAPTER V.2**

##### **“TEMPORARY MEASURES FOR EMPLOYEES WHO MAY BE UNIONIZED**

#### **“DIVISION I**

##### **“APPLICABILITY AND MISCELLANEOUS PROVISIONS**

**“85.22.** This chapter applies to every employee who may be unionized whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) on 31 December 1996 was a member of this plan as an employee who may be unionized;

(2) has never availed or is not availing himself of the temporary criterion of eligibility for a pension of 35 years of service provided for in Division IV of Chapter V.1 of Title I, of the measures respecting early retirement provided for in Division III of Chapter V.1 of Title I, in Chapter III of Title IV including the special application provisions which are or were applicable under Title IV.I, or in subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan, of the measures provided for in the Act respecting the payment of a retirement allowance and other benefits and amending the Act respecting the Government and Public Employees Retirement Plan (1992,



chapter 62) or of special measures enacted pursuant to Title IV.2 and designed to compensate, in whole or in part, the actuarial reduction of pension benefits;

(3) has not, before 19 December 1996, entered into an agreement with his employer within the scope of measures designed to reduce personnel or of any other measure designed to promote retirement or, where applicable, waives such an agreement entered into after 18 December 1996 within the scope of measures in force before that date;

(4) retires and ceases to be covered by this plan before 3 July 1997.

This chapter applies to an employee referred to in the second paragraph of section 215.0.1 only if the amount of benefits granted pursuant to this chapter is greater than the amount granted pursuant to Title IV.1. If this chapter applies to that employee, the employee may not avail himself of the special provisions contained in that title.

**“85.23.** An employee who meets the requirements of subparagraphs 1 to 3 of the first paragraph of section 85.22 may, if he files an application for redemption with the Commission before 30 April 1997, cease to be covered by the plan, retire and avail himself of the provisions of this chapter on or before 2 July 1997 or the date occurring 30 days after the date of the redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions an employee may avail himself of the provisions of this chapter on a date subsequent to 2 July 1997.

**“85.24.** The measures provided for in this chapter, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this division.

## **“DIVISION II**

### **“TEMPORARY CRITERIA OF ELIGIBILITY FOR A PENSION**

**“85.25.** Notwithstanding section 33, a pension shall be granted to every employee who may be unionized and who

(1) has, in years of age and years of service, a combined total of 80 or more, if he is at least 50 years of age;

(2) has attained 60 years of age;

(3) has at least 10 years of service and is 50 years of age or over;

(4) has attained 55 years of age.

The employee is required to be a member of the plan at the time he retires under any of the criteria listed above.

**“85.26.** In the cases described in subparagraphs 3 and 4 of the first paragraph of section 85.25, the employee’s pension is reduced for its duration by 1/4 of 1% per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which the pension would otherwise have been granted to him without actuarial reduction under subparagraph 1 or 2 of the first paragraph of that section.

### “DIVISION III

#### “ADDITIONAL BENEFITS

**“85.27.** The amount of the employee’s pension is increased by an amount of pension equal to 1.1% of the average pensionable salary used in computing his pension for each year of service he had credited under this plan and for which he obtained a paid-up annuity certificate or for which pension credit is or would be granted to him and, in the case of a female employee, for each part of a year that has been credited to her under section 221.1 or that has been recognized in her respect under that section for the purposes of entitlement to a pension under this plan. However, the number of years of service considered for the purpose of that increase may not be greater than the amount by which 35 exceeds the number of years of service used in computing the pension.

The amount granted pursuant to the first paragraph for each of those years shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), taking into account the amount of the paid-up annuity or pension credit to which the employee is entitled for the year concerned. Where applicable, the amount granted pursuant to the first paragraph shall be reduced to comply with that ceiling.

**“85.28.** An employee who is under 65 years of age is also entitled to have a pension amount of \$230 added to the amount of his pension for each of the years considered pursuant to the first paragraph of section 85.27. The amount is payable until the end of the month in which the pensioner attains 65 years of age.

**“85.29.** Section 85.26 applies in respect of any pension amounts added under the first paragraph of section 85.27 and section 85.28.

**“85.30.** The pension amounts added under the first paragraph of section 85.27 and section 85.28 shall be considered to be benefits acquired after 30 June 1982.

**“85.31.** The reduction of 2% referred to in section 43.1 does not apply to the pension amount added under section 85.28 and the pension granted to the spouse, in the case of death of the pensioner, shall be computed without reference to that amount.

**85.32.** If the employee who meets the conditions set out in subparagraphs 1, 2 and 3 of the first paragraph of section 85.22 dies before 3 July 1997 while he is eligible for a pension under section 85.25, the pension of the spouse shall be computed as if the employee had retired on the day of his death.

If the employee referred to in the first paragraph dies while he is under 55 years of age, his spouse is entitled to receive, in lieu of the pension the spouse would have been entitled to receive under that paragraph, the amount computed pursuant to section 46.1, without reference to the benefits provided for in this chapter.

#### **“DIVISION IV**

##### **“FUNDING OF MEASURES AND ACTUARIAL VALUATION**

**85.33.** The Comité de retraite referred to in section 164 must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for in Division II and of the actuarial reductions which will not be made pursuant to that division, and the valuation of the actuarial value of the additional benefits under Division III. The total amount paid in connection with departure incentives in respect of persons who retired in the period of application provided for in this chapter or in Division II.2 of the Act respecting the Civil Service Superannuation Plan and the amount of the additional budget allotted to the Commission for the administration of such measures and for the costs arising from the financial services the Commission provides to the persons concerned by the measures must be added to the actuarial value of the commitments and benefits. The amount of the additional budget for the administration of the measures provided for by Division VII of Chapter IV of the Act respecting the Teachers Pension Plan and for the financial services provided to the persons concerned by the measures must also be added to the actuarial value of such commitments and benefits.

**85.34.** The sum of the additional actuarial commitments and of the actuarial value of the additional benefits referred to in section 85.33 and of the value of the additional actuarial commitments referred to in section 66.6 of the Act respecting the Teachers Pension Plan and in section 99.28 of the Act respecting the Civil Service Superannuation Plan shall be shared equally between employees and employers.

The Commission shall transfer, after production of the actuarial valuations referred to in section 85.33, in section 66.6 of the Act respecting the Teachers Pension Plan and in section 99.28 of the Act respecting the Civil Service Superannuation Plan, from the contribution fund of the employees who may be unionized at the Caisse de dépôt et placement du Québec to the employers' contributory fund at the Caisse, the amount resulting from the difference between the amounts obtained pursuant to the following subparagraphs 1 and 2:

(1) one-half of the sum referred to in the first paragraph, up to the sum of 800 million dollars established at 31 December 1996;

(2) the portion of the additional actuarial commitments and of the actuarial value of the additional benefits referred to in section 85.33 that is borne by the contribution fund of the employees who may be unionized of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec pursuant to section 130.

If the amount determined under subparagraph 2 of the second paragraph is greater than the sum of 800 million dollars referred to in subparagraph 1 thereof, the Commission shall transfer the excess amount from the employers' contributory fund at the Caisse to the contribution fund of the employees who may be unionized referred to in that paragraph."

**29.** Section 215.13 of the said Act, enacted by section 41 of chapter 70 of the statutes of 1995, is amended

(1) by replacing the words "an actuarially reduced pension" in the fourth line of subparagraph 4 of the first paragraph by the words "a pension";

(2) by adding, at the end of the first paragraph, the following subparagraph:

"(5) the circumstances by reason of which an agreement relating to a sabbatical with deferred salary terminates, notwithstanding section 197."

**30.** Section 221.1 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:

**"221.1.** Notwithstanding section 85.1, every employee who was granted a maternity leave may be credited, without contributions, with the days of a maternity leave in progress on 1 July 1973 or having begun after that date but having ended before 1 July 1976, up to a total of 90 contributory days.";

(2) by adding, at the end, the following paragraphs:

"To be credited with the days of the maternity leave, the employee referred to in the first paragraph is required to have contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or this plan, as the case may be, in the 12 months preceding the beginning of the maternity leave, and to have again contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or this plan within two years following the year in which the maternity leave ended.

For the purposes of the third paragraph, an employee who, in respect of a period of service immediately preceding the date on which the employee began to participate in this plan, contributed to a supplementary pension plan or redeemed the entire period of service in the form of a pension credit is

deemed to have contributed to this plan in the 12 months preceding the date of the beginning of the maternity leave. In such a case, the employee may be credited with the days of maternity leave during which the employee was covered by this plan and the days of maternity leave during which the employee was not covered by this plan may be added, solely for purposes of entitlement to a pension, to the years of service credited to her, if those days have not otherwise been counted or credited.

Any contributions paid by the employee referred to in the first paragraph to redeem the maternity leave pursuant to the provisions relating to the redemption of a leave without pay are reimbursed without interest if the leave was redeemed while the Teachers Pension Plan or the Civil Service Superannuation Plan was applicable to her, or with interest if the leave was redeemed while this plan was applicable to her.”

#### ACT RESPECTING THE TEACHERS PENSION PLAN

**31.** The Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting, after section 66, the following division :

##### “DIVISION VII

##### “TEMPORARY MEASURES

“§1. — *Application and miscellaneous provisions*

“**66.1.** This division applies to every teacher whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) did not enter into an agreement, before 19 December 1996, with his employer within the scope of a personnel reduction measure or any other retirement incentive or, where applicable, waives such an agreement entered into before 18 December 1996 within the scope of the measures in force before that date ;

(2) retires and ceases to be covered by this plan before 3 July 1997.

“**66.2.** A teacher who meets the requirements of paragraph 1 of section 66.1 may, if he files an application for redemption with the Commission before 30 April 1997, cease to be covered by the plan, retire and avail himself of the provisions of this division on or before 2 July 1997 or the date occurring 30 days after the date of the redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions a teacher may avail himself of the provisions of this division on a date subsequent to 2 July 1997.

**“66.3.** The measures provided for in this division, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this subdivision.

*“§2. — Temporary criterion of eligibility for a pension*

**“66.4.** Notwithstanding section 32, a pension may also be granted to a teacher who has, in years of age and years of service, a combined total of 80 or more, if he is at least 55 years of age.

The teacher is required to be a member of the plan at the time he retires under that criterion.

**“66.5.** Notwithstanding the second paragraph of section 37, a pension granted under paragraph 7 of section 32 is reduced for its duration by 0.25% per month, computed for each month comprised between the date on which the pension is granted to the teacher and the first date on which the pension would otherwise have been granted to him without actuarial reduction under the first paragraph of that section or under the first paragraph of section 66.4.

**“66.6.** If the teacher who meets the conditions set out in paragraph 1 of section 66.1 dies before 3 July 1997 while he is eligible for a pension under section 66.4, the pension of the spouse shall be computed as if the teacher had retired on the day of his death.

*“§3. — Actuarial valuation*

**“66.7.** The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criterion of eligibility for a pension provided for in subdivision 2 and of the actuarial reductions which will not be made pursuant to that subdivision.”

**32.** Section 76.2 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:

**“76.2.** Notwithstanding section 28.1, every teacher who was granted a maternity leave may be credited, without contributions, with the days of a maternity leave in progress on 1 July 1973 or having begun after that date but having ended before 1 July 1976, up to a total of 90 contributory days.”;

(2) by adding, at the end, the following paragraphs:

“To be credited with the days of the maternity leave, the teacher referred to in the first paragraph is required to have contributed to the Civil Service Superannuation Plan or this plan, as the case may be, in the 12 months

preceding the beginning of the maternity leave and to have again contributed to this plan or the Civil Service Superannuation Plan within two years following the year in which the maternity leave ended even if, in the latter case, the teacher was not a teacher within the meaning of this plan at the time she again contributed.

The contributions paid by the teacher referred to in the first paragraph to redeem the maternity leave pursuant to the provisions relating to the redemption of leave without pay are reimbursed without interest.”

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**33.** The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting, after section 99.21, the following division :

##### “DIVISION II.2

##### “TEMPORARY MEASURES

“§1. — *Applicability and miscellaneous provisions*

“**99.22.** This division applies to every officer whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) has never availed himself and is not availing himself of the measures respecting early retirement provided for in Division III of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan or Chapter III of Title IV of that Act ;

(2) has not, before 19 December 1996, entered into an agreement with his employer within the scope of measures designed to reduce personnel or of any other measure designed to promote retirement or, where applicable, waives such an agreement entered into before 18 December 1996 within the scope of measures in force before that date ;

(3) retires and ceases to be covered by this plan before 3 July 1997.

“**99.23.** An officer who meets the requirements of paragraphs 1 and 2 of section 99.22 may, if he files an application for redemption with the Commission before 30 April 1997, cease to be covered by the plan, retire and avail himself of the provisions of this division on or before 2 July 1997 or the date occurring 30 days after the date of the redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions an officer may avail himself of the provisions of this division on a date subsequent to 2 July 1997.

“**99.24.** The measures provided for in this division, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this subdivision.

“§2. — *Temporary criteria of eligibility for a pension*

“**99.25.** Notwithstanding section 56, a pension shall be granted to every officer who

(1) has, in years of age and years of service, a combined total of 80 or more, if he is at least 50 years of age;

(2) has attained 60 years of age;

(3) is no longer able to perform his regular functions because of physical or mental disability;

(4) has at least 10 years of service and is 50 years of age or over.

The officer is required to be a member of the plan at the time he retires under any of the criteria listed above.

“**99.26.** In the case described in subparagraph 4 of the first paragraph of section 99.25, the officer’s pension is reduced for its duration by 1/4 of 1% per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which the pension would otherwise have been granted to him without actuarial reduction under subparagraph 1 or 2 of the first paragraph of that section.

“**99.27.** If the officer who meets the conditions set out in paragraphs 1 and 2 of section 99.22 dies before 3 July 1997 while he is eligible for a pension under section 99.25, the pension of the spouse shall be computed as if the officer had retired on the day of his death.

“§3. — *Actuarial valuation*

“**99.28.** The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for in subdivision 2 and of the actuarial reductions which will not be made pursuant to that subdivision.”

**34.** Section 112.2 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:



**“112.2.** Notwithstanding section 99.5, every officer who was granted a maternity leave may be credited, without contributions, with the days of a maternity leave in progress on 1 July 1973 or having begun after that date but having ended before 1 July 1976, up to 90 contributory days.”;

(2) by adding, at the end, the following paragraphs :

“To be credited with the days of the maternity leave, the officer referred to in the first paragraph is required to have contributed to the Teachers Pension Plan or the plan provided for in Division II, as the case may be, in the 12 months preceding the beginning of the maternity leave, and to have again contributed to the Teachers Pension Plan or the plan provided for in Division II within two years following the year in which the maternity leave ended even if, in the latter case, the officer referred to in the first paragraph was not a teacher within the meaning of the Teachers Pension Plan at the time she again contributed.

The contributions paid by the officer referred to in the first paragraph to redeem the maternity leave pursuant to the provisions relating to the redemption of a leave without pay are reimbursed without interest.”

## COURTS OF JUSTICE ACT

**35.** The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting, after section 225, the following chapter :

### “CHAPTER I.1

#### “SALARY AND CONTRIBUTIONS

**“226.** An amount equal to 6% of each payment of a judge’s annual salary shall be withheld as a contribution. However, no amount shall be withheld from the salary of a judge who has 35 years of service to his credit for the purpose of computing his pension.

**“226.1.** For the purposes of section 226, a judge’s annual salary is the salary fixed by order in council under section 115. However, the additional remuneration paid to a chief judge, a senior associate chief judge, an associate chief judge, a coordinating judge or an associate coordinating judge and any other remuneration paid to a judge on leave without pay or to a judge referred to in sections 131 to 134 shall be excluded from the annual salary.

Any lump sum paid as an increase or adjustment of salary for a preceding year forms part of the salary for the year during which it is paid. However, if the lump sum is paid during a year for which no service is credited, it forms part of the salary for the last year for which service is credited prior to the year of payment of the lump sum.

Notwithstanding the first and second paragraphs, the judge's annual salary shall not exceed the salary required to arrive at the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

**“226.2.** A judge who is unable to hold his office and who receives or is entitled to receive, as a replacement of his salary, benefits under a social benefits plan established under the first paragraph of section 122 or, as the case may be, under an equivalent plan in effect in a municipality which has joined this plan is exempt, for the period in which he receives or is entitled to receive the benefits, from the payment of the contributions that would have been deducted from his salary had he held his office.”

**36.** Section 229 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line of the second paragraph.

**37.** Section 231 of the said Act, amended by section 41 of chapter 42 of the statutes of 1995, is again amended by replacing the second and third paragraphs by the following paragraph:

“To determine the average salary, the annual salaries taken into consideration are those of all the years of service of the judge and are equivalent, for each year, to the salary referred to in the first and second paragraphs of section 226.1 up to the annual salaries, in the case of subparagraph 2 of the first paragraph of section 230, required to arrive at the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**38.** Section 244.2 of the said Act is amended by adding, at the end of the first paragraph, the words “and must pay contributions to this plan”.

**39.** Section 244.3 of the said Act is amended by adding, at the end of the first paragraph, the words “and is not required to pay contributions to this plan”.

**40.** Section 244.4 of the said Act is amended by inserting the words “or after 30 June 1997” after the figure “1990” in the fifth line of the first paragraph.

**41.** Section 244.5 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the fifth line of the first paragraph.

**42.** Section 244.6 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the third line.

**43.** Section 244.7 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line.

**44.** Section 244.9 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line of the first paragraph.

**45.** Section 246.26 of the said Act is amended

(1) by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line of the second paragraph;

(2) by inserting the words “and subject to the contributions paid by the judges for the years subsequent to 1996 to the pension plan provided for in Part VI” after the word “municipality” in the fourth line of the third paragraph.

**46.** Section 246.26.1 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “Each municipality shall also pay, subject to the same rules, terms and conditions, the contributions of its judges.”

#### ACT TO ESTABLISH A DEPARTURE INCENTIVE MANAGEMENT FUND

**47.** The Act to establish a departure incentive management fund (1996, chapter 66) is amended by replacing the words “the Cadre de gestion de la mesure de départ assisté dans la fonction publique” in the second line of paragraph 1 of section 3 by the words “a departure incentive measure in the public service”.

#### DIVISION VII

##### MISCELLANEOUS PROVISIONS

**48.** Any measure for the granting of a 1.5-day period of unpaid leave and any equivalent measure taken by an employer in respect of employees between 19 December 1996 and 22 March 1997 are deemed to have been taken under section 4.

**49.** Sections 5 and 15, adapted as required, apply to every holder of a senior position the appointment or remuneration of whom is effected or approved by the Government.

**50.** The Government may make all or part of Schedule 3 applicable, according to the terms and conditions determined by the Government, to a group of employees represented by a new association of employees to which section 28 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) does not apply.

**51.** Every operator of an ambulance service who holds a permit issued under Division VI of the Public Health Protection Act (R.S.Q., chapter P-35) is considered to be a public sector body covered by paragraph 6 of Schedule 1.

**52.** The provisions of Schedule 3 shall form part of the collective agreements referred to therein; such provisions shall prevail over the stipulations of the collective agreements, and may be amended by the parties.

**53.** The provisions of Schedule 3 shall constitute stipulations negotiated and ratified on the national level.

**54.** The latest collective agreements between the colleges and the associations of employees belonging to the Association des syndicats de professionnelles et professionnels de collèges du Québec shall be renewed until 30 June 1998.

The Government may, by order in council, amend the agreements to make applicable amendments agreed upon on the latest renewal of collective agreements governing the Fédération du personnel professionnel des collèges (FPPC) and the colleges.

**55.** The Government may determine, for the administration of the temporary measures enacted under sections 28, 31 and 33 and for the costs arising from the financial services provided to the persons concerned by the measures, an amount in addition to the total amount of the annual budget of the Commission administrative des régimes de retraite et d'assurances for the budget years beginning on 1 April 1996 and on 1 April 1997.

For the purposes of the first paragraph, the required sums shall be taken in equal parts from the contribution fund of the employees who may be unionized of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec and from the consolidated revenue fund.

**56.** For the purposes of section 89 of the Act respecting the Government and Public Employees Retirement Plan, only the pension credits acquired before 1 January 1997 may be increased in accordance with that section following the production of the actuarial valuation made on the basis of the data at 31 December 1996.

**57.** The provisions of the Act respecting the Government and Public Employees Retirement Plan, of the Act respecting the Teachers Pension Plan and of the Act respecting the Civil Service Superannuation Plan relating to the return to work of a pensioner do not apply before 1 September 1997 in respect of a person who availed himself of the temporary measures enacted under sections 28, 31 and 33 of this Act and who again holds a position covered before that date by the Government and Public Employees Retirement Plan. That person shall not participate in the plans for the duration of the time during which those provisions do not apply.

**58.** The Government may exempt from the application of this Act or any provision thereof a public sector employer identified by the Government and the employer's employees or a group of its employees determined by the Government, if it considers that conditions of employment in force on 22 March 1997 already entail a reduction of labour costs in the same proportion as provided for by this Act.

The Government may do the same with respect to a group of health professionals governed by an agreement entered into under section 19 of the Health Insurance Act, if it considers that such measures agreed to before 22 March 1997 already entail a reduction of labour costs in such proportion.

**59.** Notwithstanding any provision of any Act or of any statutory instrument but subject to section 1 of the Act respecting subsidies for the payment in capital and interest of loans of public or municipal bodies (R.S.Q., chapter S-37.01), the Government may, so as to permit the carrying out of this Act, fix or change, without further formality, the amount or date of payment of any subsidy or grant paid to a public body by the Government or a Minister or a mandatory body of the Government.

**60.** The provisions of this Act apply, notwithstanding any provision of any other Act or of any statutory instrument, collective agreement or contract concerning a matter that is the subject of this Act.

**61.** The Chairman of the Conseil du trésor is responsible for the administration of this Act.

## **DIVISION VIII**

### **FINAL PROVISIONS**

**62.** The Government may terminate the application of the provisions of sections 12, 13, 16 to 18 and 20 on the date or dates fixed by order of the Government.

Such an order shall be tabled before the National Assembly within 15 days after being made or, if the Assembly is not sitting, within 15 days of resumption.

**63.** The provisions of sections 35 to 46 will be repealed on 1 July 1997 unless alternate measures that apply to all the persons referred to in section 6 and entailing, from that date, a 6% reduction on an annual basis of the costs arising from the benefits granted to them and that are related to the performance of their duties, are determined by agreement with the Government before that date.

Within 15 days following the entering into of the agreement, the Minister of Justice shall table the agreement in the National Assembly or, if the Assembly is not sitting, within 15 days of resumption.

**64.** The provisions of this Act come into force on 22 March 1997, except sections 35 to 46 which come into force on 1 July 1997.

## SCHEDULE 1

## PUBLIC SECTOR BODIES

*(Section 2)*

1. All government agencies all of whose personnel is appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

2. All school boards, all bodies similar to a school board and all colleges to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) applies and the Conseil scolaire de l'Île de Montréal.

3. All institutions and all bodies classified as an institution to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors applies, all regional health and social services boards and all regional health and social services councils.

4. All educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1).

5. All educational institutions accredited for purposes of subsidies in accordance with the Act respecting private education (R.S.Q., chapter E-9.1).

6. The following bodies :

Agence métropolitaine de transport  
Caisse de dépôt et placement du Québec  
Centre de recherche industrielle du Québec  
Commission de la capitale nationale du Québec  
Commission de la construction du Québec  
Commission de reconnaissance des associations d'artistes  
Commission des services juridiques  
Conseil des arts et des lettres du Québec  
Conseil des services essentiels  
Corporation d'aide juridique  
Corporation d'urgences-santé de la région de Montréal Métropolitain  
Fondation de la faune du Québec  
Fonds de la recherche en santé du Québec  
Fonds pour la formation de chercheurs et l'aide à la recherche  
Institut de police du Québec  
Institut de recherche et d'information sur la rémunération  
Musée d'Art contemporain de Montréal  
Musée de la Civilisation  
Musée du Québec  
Office de la sécurité du revenu des chasseurs et piégeurs cris  
Office Franco-Québécois pour la Jeunesse

Régie de l'énergie  
Régie des installations olympiques  
Société de développement des entreprises culturelles  
Société de la Place des Arts de Montréal  
Société des alcools du Québec  
Société des établissements de plein air du Québec  
Société des loteries du Québec  
Société des Traversiers du Québec  
Société du Centre des congrès de Québec  
Société du Grand Théâtre de Québec  
Société du Palais des congrès de Montréal  
Société du parc industriel et portuaire de Bécancour  
Société immobilière du Québec  
Société Innovatech du Grand Montréal  
Société Innovatech du sud du Québec  
Société Innovatech Québec et Chaudière-Appalaches  
Société québécoise d'assainissement des eaux  
Société québécoise d'information juridique  
Société québécoise d'initiatives agro-alimentaires  
Société québécoise de développement de la main-d'oeuvre  
Société québécoise de récupération et de recyclage.

7. Any other body, in respect of the members of its personnel who are appointed or remunerated in accordance with the Public Service Act.



## SCHEDULE 2

## ASSOCIATIONS OR GROUPS WHOSE EMPLOYEES ARE EXCLUDED FROM THE APPLICATION OF THE ACT

*(Section 3)*

1. School board sector referred to in paragraph 2 of Schedule 1:
  - Centrale de l'enseignement du Québec (CEQ)
  - Confederation of National Trade Unions (CNTU)
  - Canadian Union of Public Employees (CUPE)
  - Syndicat québécois des employées et employés de service, Local 800 (UES)
  - Syndicat des employés professionnels et de bureau, Local 57 et Local 440 (SEPB)
  - Provincial Association of Protestant Teachers of Quebec (PAPT)
  - Provincial Association of Catholic Teachers (PACT)
  - Fédération indépendante des syndicats affiliés (FISA)
  - Lakeshore School Board (support staff)
  - Western Quebec School Board (support staff)
  - Alliance des travailleurs du Québec (ATQ) (support staff)
  - Transport Drivers, Warehousemen and General Workers, Teamsters Québec, Local 106 (FTQ)
  
2. College sector referred to in paragraph 2 of Schedule 1:
  - Fédération des employées et employés des services publics (FEESP)
  - Fédération du personnel professionnel des collèges (FPPC)
  - Fédération du personnel de soutien (FPS)
  - Canadian Union of Public Employees (CUPE)
  - Syndicat des employées et employés de soutien du collège Beauce-Appalaches (CSD)
    - Association of non-teaching professionals at John Abbott College
    - Certified association representing stationary engineers and their assistants at Cégep Vanier (CMOU)
  - Fédération des enseignantes et enseignants de cégep (FEC)
  - Fédération autonome du collégial (FAC)
  
3. Health and social services sector referred to in paragraph 3 of Schedule 1:
  - Confederation of National Trade Unions (CNTU)
  - Centrale de l'enseignement du Québec (CEQ)
  - Canadian Union of Public Employees (CUPE)
  - Syndicat québécois des employées et employés de service, Local 298 (UES)
  - Syndicat québécois des employées et employés de service, Local 800 (UES)
  - Fédération du personnel de la santé et des services sociaux (FPSSS)

- Fédération des syndicats de professionnelles et professionnels de la santé et des services sociaux du Québec (FSPPSSSQ)
- Union québécoise des infirmières et infirmiers (UQII)
- Fédération des infirmières et infirmiers du Québec (FIIQ)
- Syndicat des physiothérapeutes et des thérapeutes en réadaptation physique du Québec (SPTRPQ-CPS)
- Syndicat des technologues en radiologie du Québec (STRQ-CPS)
- Syndicat des ergothérapeutes du Québec (SEQ-CPS)
- Association de techniciennes et techniciens en diététique du Québec inc. (ATDQ-CPS)
- Association des employés en service social de la province de Québec (AESSPQ-CPS)
- Syndicat des intervenants professionnels de la santé du Québec (SIPSQ-CPS)
- Association professionnelle des technologistes médicaux du Québec (APTMQ)
- Syndicat des professionnels et des techniciens de la santé du Québec (SPTSQ-CPS)
- Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec (APIIAQ)
- Fédération des infirmières et infirmiers auxiliaires du Québec (FIIAQ)
- Centrale des syndicats démocratiques (CSD)
- Association professionnelle des inhalothérapeutes du Québec (APIQ)
- Syndicat professionnel des diététistes du Québec (SPDQ)
- Association professionnelle des technologistes médicaux du Québec (APTMQ)
- Conseil des syndicats hospitaliers de Montréal Inc (CSHM)

4. Public service sector referred to in paragraphs 1 and 7 of Schedule 1 :

- Syndicat de la fonction publique du Québec (SFPQ)
- Syndicat de professionnelles et professionnels du gouvernement du Québec (SPGQ)
- Syndicat des agents de conservation de la faune du Québec (SACFQ)
- Association professionnelle des chirurgiens-dentistes du gouvernement du Québec (APCDGQ)
- Syndicat professionnel des médecins du gouvernement du Québec (SPMGQ)
- Association des juristes de l'État (AJE)
- Syndicat des professeurs de l'État du Québec

## SCHEDULE 3

CONDITIONS OF EMPLOYMENT APPLICABLE TO TEACHERS  
GOVERNED BY A COLLECTIVE AGREEMENT BETWEEN  
A COLLEGE AND AN ASSOCIATION OF EMPLOYEES  
REPRESENTING TEACHERS

*(Section 11)*

1. The provisions relating to the number of full-time teachers or the equivalent granted for theoretical-laboratory courses, training courses, excluded programs and for the extensive preparation, in the colleges and campuses as a whole whose teachers are represented by the Fédération nationale des enseignants et des enseignantes du Québec (FNEEQ), may not operate to require the Ministère de l'Éducation to determine a number of teachers greater than the number determined for the 1996-97 year, less 403 full-time staff equivalents (E.T.C.).

2. The parties may negotiate and ratify arrangements at the local or regional level to replace stipulations negotiated and ratified at the national level which deal with the resources allotted for teaching or for other purposes so as to enable resources allotted to teaching to be transferred to resources provided for other purposes and vice-versa, or which deal with any other aspect of the teachers' workload.

## SCHEDULE 4

## WORK TIME REDUCTION MEASURES

*(Section 12)*

1. The employer must reduce the work time of employees by 6% from 1 July 1997 in accordance with the provisions that follow.

2. The employer must, from 1 July 1997, reduce the remuneration paid to an employee by an amount equal to 6% of the person's salary and grant compensatory leave to the employee.

An employee's salary is the base salary to which the employee is entitled, excluding any rate increase in connection with overtime and any bonus, allowance, indemnity or lump-sum amount added to base salary.

3. The compensatory leave shall be credited to the employee at the end of each month of remunerated service. The duration of the leave is equal to 6% of the number of hours, days or parts of days for which the employee was entitled to salary during the month.

4. The compensatory leave credited to the employee shall be remunerated on the basis of the salary to be paid to the employee at the time the leave is used or cashed out, having regard to paragraph 2, if applicable.

5. Subject to paragraph 6 and to such terms and conditions as the Government may determine, the compensatory leave shall be taken on the days or parts of days determined by the employer.

It may also be taken, by agreement with the employer, on the days or parts of days chosen by the employee, unless owing to the requirements of the employee's service, this would entail additional costs to the employer.

6. In public bodies providing instruction, the dates on which compensatory leave may be used must be determined in such manner that the number of teaching days is not reduced.

7. The compensatory leave may be used, at the request of the employee,

(1) to satisfy the waiting period under an insurance salary plan if the employee has exhausted sick-leave credit;

(2) for purposes of early retirement.

8. The employer shall, where the employment relationship is severed, pay to the employee the remuneration payable for accumulated compensatory leave that has not been taken or used.

9. The granting of compensatory leave under this schedule does not affect the calculation of the seniority and years of service of an employee for the purpose of applying the employee's conditions of employment.

10. The provisions of this schedule do not apply in respect of the work time and remuneration of a full-time public sector employee who is bound by a voluntary work time reduction measure or whose salary has been reduced as a result of a voluntary salary deferral measure, up to the percentage of the reduction in work time or remuneration arising from such a measure.

11. In respect of the period from 1 July 1997 to 30 June 1998 and of any other period determined by the Government, the application of this schedule shall not operate to reduce the service or the wages or salary considered for the purposes of a retirement plan which is administered by the Commission administrative des régimes de retraite et d'assurances or in respect of which the Commission pays the benefits. In such a case, the employee's wages or salary are the wages or salary that would have been paid to the employee were it not for this Act, and the provisions of the employee's retirement plan that concern employee and employer contributions shall apply to those wages or salary. The portion of an employee's contribution relative to a reduction in remuneration shall be paid by the employer.