

Gouvernement du Québec

O.C. 1280-98, 30 September 1998

An Act respecting industrial accidents
and occupational diseases
(R.S.Q., c. A-3.001)

**Commission des lésions professionnelles
— Remuneration of members**

Regulation respecting the remuneration of members
of the Commission des lésions professionnelles other
than commissioners

WHEREAS under the first and second paragraphs of
section 402 of the Act respecting industrial accidents
and occupational diseases (R.S.Q., c. A-3.001), as re-
placed by section 24 of the Act to establish the Commis-
sion des lésions professionnelles and amending various
legislative provisions (1997, c. 27), the Government
shall make regulations determining the mode of remu-
neration of the members of the Commission des lésions
professionnelles and the applicable standards and scales
as well as the conditions subject to which and the extent
to which a member may be reimbursed the expenses
incurred in the performance of his duties;

WHEREAS the third paragraph of section 402 of the
Act respecting industrial accidents and occupational dis-
eases provides that the regulatory provisions may vary
according to whether they apply to a commissioner or a
member other than a commissioner;

WHEREAS by Décret 335-98 dated 18 March 1998,
made pursuant to section 64 of the Act to establish the
Commission des lésions professionnelles and amending
various legislative provisions, the Government deter-
mined the remuneration and other conditions of office
of members of the Commission des lésions profession-
nelles other than commissioners until the coming into
force of the regulation provided for in section 402 of the
Act respecting industrial accidents and occupational dis-
eases, as replaced by section 24 of the Act to establish
the Commission des lésions professionnelles and amend-
ing various legislative provisions;

WHEREAS it is expedient to make the Regulation re-
specting the remuneration of members of the Commis-
sion des lésions professionnelles other than commis-
sioners attached to this Order in Council;

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

THAT the Regulation respecting the remuneration of
members of the Commission des lésions professionnelles
other than commissioners, attached to this Order in Coun-
cil, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

**Regulation respecting the remuneration
of members of the Commission des
lésions professionnelles other than
commissioners**

An Act respecting industrial accidents
and occupational diseases
(R.S.Q., c. A-3.001, s. 402; 1997, c. 27, s. 24)

1. This Regulation applies to members of the Com-
mission des lésions professionnelles other than commis-
sioners.

2. A member shall receive a fee of \$300 per period of
sitting of one day of not more than six hours, including
the time required for the preparation of records, the
hearings and the expression of the opinions provided for
in section 429.50 of the Act respecting industrial acci-
dents and occupational diseases, excluding the time re-
quired for travel and meals.

Should a member be, in particular instances, called
for a period of sitting of a half-day of not more than
three hours, he shall receive a fee of \$150.

3. Where the period of sitting is extended, a member
shall receive an additional fee of \$25 per additional
30-minute period.

4. Where a period of sitting is cancelled upon an
advance notice of 48 hours or less or, if scheduled on a
Monday, upon an advance notice of 72 hours or less, a
member shall receive two thirds of the fee he would
have normally received.

Where the notice is given more than 48 hours in
advance or, where a period of sitting is scheduled on a
Monday, more than 72 hours in advance, a member is
entitled to no fee unless he demonstrates that he was
unable to resume his usual gainful occupation and that
he has suffered a loss of income, in which case he shall
receive the fee provided for in the first paragraph.

5. A member called to sit shall receive a travel allow-
ance where, to that end, he must travel more than 100 km
round trip.

The allowance paid is \$25 per hour and corresponds to the time required for the trip using the fastest means of transportation considering the circumstances.

An additional allowance not exceeding \$200 may be paid to a member, upon authorization by the president of the board or the person he designates, where the advance notice for a hearing at which his attendance is required forces him to exceptionally modify his travel schedule.

6. A member whose attendance at an activity related to the performance of his duties is required by the board shall be entitled to the fees and allowances provided for in sections 2 to 5, adapted as required.

7. Remuneration payable to a member retired from the public sector as defined in Schedule I shall be reduced by an amount equal to half the amount of the retirement pension he receives from the public sector.

8. A member who has received or receives an allowance or a severance pay from the public sector as defined in Schedule I and who receives remuneration as a member of the board during the period covered by such allowance or pay shall reimburse the portion of the allowance or severance pay that covers the period for which he receives remuneration, or he shall cease to receive it during that period.

9. For the purposes of calculating the reduction in the remuneration paid to a member, the fees and allowances referred to in sections 2 to 5, as well as the retirement pension referred to in section 7 shall be calculated on an hourly basis and each \$50-portion of additional allowance paid to a member under the third paragraph of section 5 is deemed to be, for the purposes of the calculation, a fee paid for one hour of work.

The retirement pension on an hourly basis shall be calculated as follows:

yearly retirement pension ÷ 261 working days ÷ 7 hours per working day.

10. Travel and living expenses of members shall be reimbursed in accordance with Directive 7-74 concerning the Règles sur les frais de déplacement des personnes engagées à honoraires, made by C.T. 170100 dated 14 March 1989, as amended.

11. Any claim for fees, allowances and travel and living expenses shall be made on the form put at the disposal of members by the board for that purpose.

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

SCHEDULE I

(ss. 7 and 8)

PUBLIC SECTOR

1. The Government, a government department, the Conseil exécutif and the Conseil du trésor.

2. The Lieutenant-Governor's staff, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly, where the law provides that its personnel is appointed and remunerated in accordance with the Public Service Act and any body to which the National Assembly or one of its committees appoints the majority of the members.

3. Any body that is established by an Act, pursuant to an Act or by a decision of the Government, the Conseil du trésor or a minister and that meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed or remunerated in accordance with the Public Service Act;

(3) the Government or a Minister appoints at least half of its members or directors and at least half of its operating costs are borne directly or indirectly by the consolidated revenue fund or by other funds administered by a public body referred to in section 1 or 2 of this Schedule or by both at the same time.

4. The Public Curator.

5. Any body or agency, other than those mentioned in sections 1, 2 or 3 of this Schedule, instituted by an Act, pursuant to an Act, or by a decision of the Government, the Conseil du Trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister.

6. Any joint-stock company, other than a government body mentioned in section 3 of this Schedule, of which more than 50 % of the voting shares are part of the public domain or are owned by a government body referred to in sections 1 to 3 and 5 of this Schedule or by an undertaking referred to in this section.

7. Any educational institution 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., c. E-14.1).

8. Any general and vocational college instituted in accordance with the General and Vocational Colleges Act (R.S.Q., c. C-29).

9. Any school board referred to in the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), and the Conseil scolaire de l'Île-de-Montréal.

10. Any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).

11. Any other educational institution of which more than one-half of the operating expenses are paid out of the appropriations entered in the budgetary estimates tabled in the National Assembly.

12. Any public institution or private institution under agreement and any regional board referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2).

13. A regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

14. Any municipality, and any body declared by law to be the mandatary or agent of a municipality, and any body whose board of directors is composed of a majority of members of the municipal council, as well as any body otherwise under municipal authority.

15. Any urban community, intermunicipal board, intermunicipal transit corporation, intermunicipal board of transport, Kativik Regional Government and any other body whose board of directors is composed in the majority of elected municipal officers, except a private body.

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M.O., 98009-A

Order of the Minister of the Environment and Wildlife dated 1 September 1998

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Repeal of the Regulation respecting the Aiguebelle Wildlife Sanctuary

THE MINISTER OF THE ENVIRONMENT AND WILDLIFE,

CONSIDERING that under section 186 of the Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1), every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act (R.S.Q., c. C-61) continues to be in force to the extent that it is consistent with that Act;

CONSIDERING that under section 184 of that Act, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

CONSIDERING that under section 111 of the Act respecting the conservation and development of wildlife, the Minister may, by order, establish wildlife sanctuaries on lands in the public domain and dedicate them to the conservation, development and utilization of wildlife;

CONSIDERING that the second paragraph of section 191.1 of the Act respecting the conservation and development of wildlife, amended by section 27 of Chapter 29 of the Statutes of 1998, provides in particular that from 17 June 1998, the regulations made by the Government under section 111 of that Act before 1 January 1987 shall continue to be in force and may be replaced or repealed by order of the Minister of the Environment and Wildlife;

CONSIDERING that in accordance with section 81.2 of the Wild-life Conservation Act, the Government made the Regulation respecting the Aiguebelle Wildlife Sanctuary (R.R.Q., 1981, c. C-61, r. 50);

CONSIDERING that it is expedient to repeal the Regulation respecting the Aiguebelle Wildlife Sanctuary;

CONSIDERING that in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Order in Council concerning the revocation of the Regulation respecting the Aiguebelle Wildlife Sanctuary was published in Part 2 of the *Gazette officielle du Québec* of 15 April 1998 with a notice that it could be made upon the expiry of 45 days following that publication;

ORDERS that:

The Regulation respecting the Aiguebelle Wildlife Sanctuary (R.R.Q., 1981, c. C-61, r. 50) be repealed.

This Minister's Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Québec, 1 September 1998

PAUL BÉGIN,
Minister of the Environment and Wildlife

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