

Gouvernement du Québec

O.C. 726-98, 27 May 1998

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

**Commission des lésions professionnelles
— Remuneration and other conditions of office
— Commissioners**

Regulation respecting the remuneration and other conditions of office of commissioners of the Commission des lésions professionnelles

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), replaced by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27), the Government shall make regulations determining the mode of remuneration of the commissioners of the Commission des lésions professionnelles and the applicable standards and scales, the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties and it may make regulations determining other conditions of office applicable to all or certain commissioners, including benefits other than a pension plan;

WHEREAS under the third paragraph of section 402, the regulatory provisions may vary according to whether they apply to a commissioner or a commissioner other than a commissioner or to a commissioner charged with an administrative office within the board;

WHEREAS under the fourth paragraph of that section, the regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS under Order in Council 334-98 dated 18 March 1998, section 402 of the Act comes into force on 1 April 1998;

WHEREAS it is expedient to make the Regulation respecting the remuneration and other conditions of office of commissioners of the Commission des lésions professionnelles attached to this Order in Council;

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

THAT the Regulation respecting the remuneration and other conditions of office of commissioners of the Com-

mission des lésions professionnelles, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

**Regulation respecting the remuneration
and other conditions of office of
commissioners of the Commission
des lésions professionnelles**

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

**DIVISION I
REMUNERATION**

1. The salary scales applicable to the president, vice-presidents and commissioners of the Commission des lésions professionnelles are those in Schedule I.

The salary scales shall be revised in keeping with the policy adopted by the Government for holders of senior positions appointed by the Government.

2. The starting salary of a commissioner of the board shall be determined by his experience and education, the position available, and his income at the time of his appointment established taking into account the standards prescribed in Schedule II.

A civil servant appointed as a commissioner of the board may not receive a salary lower than the regular salary to which he was entitled before his appointment, in accordance with his classification in the Québec public service.

3. A person who has retired from the public sector defined in Schedule III and is appointed commissioner of the board shall receive a salary corresponding to the salary determined in accordance with the standards of this Regulation, from which shall be deducted half the amount of the retirement pension he receives from the public sector. The deduction shall be established in the instrument of appointment or upon renewal of the commissioner's term of office. The salary may therefore be lower than the regular minimum of the scale applicable to the position.

4. Whoever has received or is receiving a severance pay or allowance from the public sector as defined in Schedule III and receives a salary as a commissioner of the board during the period covered by such pay or allowance shall reimburse the portion of the severance

pay or allowance that covers the period for which he was receiving a salary, or shall cease to receive it during that period.

However, if the salary he receives as a commissioner of the board is lower than what he was receiving prior to his appointment, he shall repay only that portion of the severance pay or allowance up to the amount of his new salary, or he may continue to receive the portion of the severance pay or allowance that exceeds his new salary.

The period covered by the severance pay or allowance corresponds to that which would have been covered by the same amount if the commissioner had received it as salary for his office, employment or previous position.

5. Upon renewal of a term of office, the salary shall remain the same as the salary paid before such renewal, subject to section 3.

6. Where a commissioner of the board already in office is designated as vice-president of the board, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a vice-president of the board already in office is designated as president of the board, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a commissioner of the board already in office is designated as president of the board, his salary shall be the regular minimum salary of the scale applicable to that position. However, the new salary may not be lower than the regular salary to which the commissioner was entitled before the designation.

7. A commissioner of the board who ceases to hold an administrative office within the Commission in accordance with the second paragraph of section 404 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), shall receive, starting on the effective date, a salary equivalent to what he was receiving without exceeding the maximum of the salary scale for a commissioner's position.

However, in such cases, a public servant may not receive a salary lower than the regular salary to which he would be entitled according to his classification in the public service.

8. The salary of a commissioner of the board shall be revised in keeping with the performance assessment carried out according to the job factors and job ratings in

Schedule IV and in keeping with the policy adopted by the Government for holders of senior positions appointed by the Government.

Revision of the salary of a commissioner of the board who has retired from the public sector defined in Schedule III shall also take into account the deduction made in the instrument of appointment or upon renewal of his term of office in accordance with section 3 of this Regulation.

9. The annual performance assessment of a commissioner of the board shall be carried out by the president of the board or by a vice-president he designates. The job factors and job ratings for assessing a commissioner's performance, in accordance with the principle of independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of a vice-president of the board shall be carried out by the president of the board and shall address, with respect to his administrative office, the efficiency and effectiveness of the management of resources at his disposal to carry out the board's mission. If applicable, it shall also address his performance as a commissioner. The job factors and job ratings for the assessment, in keeping with the principle of independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of the president of the board shall be carried out by the Minister of Labour and shall address only the efficiency and effectiveness of the management of resources at his disposal to carry out the board's mission. The job factors and job ratings for assessing his performance are shown in Schedule IV.

10. A commissioner of the board whose term of office has expired and who is concluding the cases he has begun to hear but has yet to determine in accordance with the first paragraph of section 401 of the Act respecting industrial accidents and occupational diseases shall continue to be remunerated by the board, for a period to be determined by the president, according to the annual salary to which he was entitled. However, if the president considers that the new situation warrants his performing his duties part time, the commissioner may be remunerated according to an hourly rate calculated in keeping with the annual salary he was receiving at the time his term of office expired. For the purposes of this paragraph, a commissioner is deemed to work 35 hours a week.

11. A vice-president of the board who replaces the president in accordance with section 408 of the Act respecting industrial accidents and occupational diseases

shall receive an additional remuneration equivalent to 5 % of his annual salary for the duration of that replacement.

A vice-president of the board who replaces another vice-president in accordance with section 408 of the Act shall receive an additional remuneration equivalent to 3 % of his annual salary for the duration of that replacement.

The additional remuneration shall be paid only in the event of a replacement lasting at least 45 consecutive days.

12. A commissioner of the board designated by the president as responsible for the administration of a regional office of the Commission des lésions professionnelles under subparagraph 2 of the second paragraph of section 418 of the Act respecting industrial accidents and occupational diseases shall receive an additional remuneration equivalent to 3 % of his annual salary for the time the commissioner assumes that responsibility.

However, that additional remuneration shall be paid only if that responsibility is exercised for at least 45 consecutive days.

DIVISION II OTHER CONDITIONS OF OFFICE

§1. *Insurance plans*

13. Full-time commissioners of the board shall participate in the group insurance plans for managerial staff of the Québec public and parapublic sectors.

In case of disability of a commissioner who is entitled to salary insurance benefits during his term of office, the benefits provided for under the long- or short-term salary insurance plans shall be paid and the commissioner shall be exempted from paying premiums to the pension and insurance plans for the duration of the period of disability, even if the commissioner's term expires during that period.

§2. *Pension plans*

14. In accordance with section 405 of the Act respecting industrial accidents and occupational diseases and subject to any special provisions included in the following plans and prescribed by order in council,

(1) commissioners of the board shall participate in the Government and Public Employees Retirement Plan

(RREGOP) applicable to non unionizable employees or, as the case may be, in the Civil Service Superannuation Plan;

(2) the vice-presidents of the board shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject to the special retirement provisions of Order in Council 245-92 dated 26 February 1992 and any consequential amendments;

(3) the president of the board shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject to the special retirement provisions of Orders in Council 245-92 dated 26 February 1992 and 461-92 dated 1 April 1992 and any consequential amendments.

§3. *Annual vacation leave*

15. Commissioners and vice-presidents of the board shall be entitled to a paid annual vacation of 20 working days, to be calculated proportionally to the time in office during the fiscal year.

Commissioners who are on full leave without pay from the public service shall be entitled to an annual vacation equivalent to the number of days of leave they would be entitled to under their classification in the public service.

Where part or all of the annual vacation to which a commissioner or vice-president is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the president of the board before the end of that fiscal year.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which a commissioner or vice-president is entitled.

16. The president of the board shall be entitled to a paid annual vacation of 25 working days, to be calculated proportionally to the time in office during the fiscal year.

Where part or all of the annual vacation to which he is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which he is entitled.

§4. *Legal holidays*

17. A commissioner of the board shall have the same annual paid legal holidays as those that apply to the Québec public service.

§5. *Expenses incurred in office*

18. The president and vice-presidents of the board are entitled to the reimbursement of expenses, with supporting documents but without prior authorization, that were incurred in the performance of their duties up to the amount of \$3 000 per fiscal year for the president and \$1 800 per fiscal year for a vice-president.

The expenses are reimbursed in accordance with Décret 1308-80 concernant les dépenses de fonction des présidents et de certains vice-présidents et membres à plein temps d'organismes gouvernementaux, dated 28 April 1980, and any consequential amendments.

§6. *Travel and living expenses*

19. Commissioners of the board shall be entitled to the reimbursement of travel and living expenses incurred in the performance of their duties in accordance with Décret 2500-83 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, dated 30 November 1983, and any consequential amendments.

20. For the purposes of reimbursing expenses incurred, the principal location for the performance of duties of commissioners of the board is that designated by the president of the board.

§7. *Notice of resignation*

21. For the purposes of section 398 of the Act respecting industrial accidents and occupational diseases, a notice of resignation given to the Minister of Labour shall be sent to the president of the board who shall forward a copy to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

§8. *Full leave without pay from the public service*

22. For the purposes of section 406 of the Act respecting industrial accidents and occupational diseases, a public servant who is appointed commissioner of the board shall be on full leave without pay from the Ministère du Travail.

23. A commissioner of the board who is on full leave without pay from the public service and resigns his office or whose term is not renewed shall be reintegrated into the Ministère du Travail with the salary he had at

the board if that salary is equal to or lower than the maximum of the applicable salary scale in the public service. If his salary at the board was higher, he shall be reintegrated with a salary equivalent to the maximum of the salary scale applicable to him according to his classification in the public service.

§9. *Transition allowance and other similar measures*

24. A commissioner of the board who is not on full leave without pay from the public service and whose term of office is not renewed or who does not request a renewal of his term, shall receive a transition allowance.

The allowance at the time of departure is equivalent to one month's salary for each year of continuous service since the beginning of his term as full-time holder of a senior position appointed by the Government, without exceeding twelve months.

If the period is less than one year, the allowance shall be calculated proportionally to the number of days of service completed.

25. A commissioner of the board who is dismissed or removed shall not receive a transition allowance in accordance with sections 399 and 400 of the Act respecting industrial accidents and occupational diseases.

26. A commissioner of the board who no longer performs his duties, who received or is receiving the transition allowance prescribed in section 24 and who holds an office, employment or any other remunerated position in the public sector defined in Schedule III during the period to which the allowance applies, shall either reimburse that portion of the allowance that covers the period for which he received a salary, or cease to receive it during that period.

However, if the salary he receives is lower than that which he previously received, he shall reimburse the allowance only up to the amount of the new salary, or he may continue to receive the portion of the allowance that exceeds his new salary.

The period covered by the transition allowance is the same as that which would have been covered by the same amount had the commissioner received it as a salary while holding an office, an employment or a previous position.

27. A commissioner of the board who no longer performs his duties, who has benefitted from a departure incentive program or its equivalent and who, within the two years following his departure holds an office, employment or any other remunerated position in the public sector defined in Schedule III shall reimburse the

amount equivalent to the amount received under the program up to the amount of the remuneration received during that two-year period as a result of his return.

28. Part-time teaching activities are not governed by sections 26 and 27.

29. Sections 8 and 9 of this Regulation come into force on 1 April 1999. Any salary revision made before that date in the case of persons referred to in sections 57 and 58 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27) shall be carried out, if applicable, in accordance with the rules applicable before the coming into force of this Regulation.

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

SCHEDULE I

(s. 1)

SALARY SCALES APPLICABLE TO THE PRESIDENT, VICE-PRESIDENTS AND COMMISSIONERS OF THE COMMISSION DES LÉSIONS PROFESSIONNELLES

1. The salary scale applicable to the president of the board corresponds to the scale established for Level 6 chief executive officers under Décret 1018-95 dated 2 August 1995, and any consequential amendments.

2. The salary scale applicable to vice-presidents of the board corresponds to the scale established for Level 4 vice-presidents of government bodies under the Order in Council referred to in section 1.

3. The salary scale applicable to commissioners of the board corresponds to the scale established for Level 3 full-time commissioners of government bodies under the Order in Council referred to in section 1.

SCHEDULE II

(s. 2)

DETERMINATION OF THE STARTING SALARY OF A COMMISSIONER APPOINTED TO THE COMMISSION DES LÉSIONS PROFESSIONNELLES

For the purposes of determining the income to be used as a basis for the calculation of the starting salary of a commissioner appointed to the Commission des lésions professionnelles, the following rules shall apply:

1. Take into account the regular salary with the previous employer, supported by a compulsory attestation by the employer.

2. Determine self-employment income by one of the following means:

— a financial statement prepared by an accounting firm;

— a copy of the T4 or Relevé 1 slip(s) showing the income for the year(s) of reference required;

— an affidavit in which the candidate attests to his income;

— any other acceptable and accurate proof of the candidate's financial situation.

3. Exclude from the salaries, earnings or income provided, any amount that is not of a regular nature such as premiums, overtime or other bonuses of that nature.

4. Take into account, for the purposes of determining the salary, only the income from the principal employment, thereby excluding income from casual employment or work done outside regular hours.

5. Subtract, in the case of candidates who are contract or casual employees of the Gouvernement du Québec, the percentage of their salary compensating for the absence of fringe benefits, where such a percentage is provided.

6. Establish an average over a number of years where income varies considerably because of profit-sharing income or income of another type.

SCHEDULE III

(ss. 3, 4, 8, 26, 27)

THE PUBLIC SECTOR INCLUDES

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 staff 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 commissioners;

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 commissioners 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 commissioners 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 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., 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 in the majority of commissioners 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.

SCHEDULE IV

(ss. 8, 9)

JOB FACTORS AND JOB RATINGS FOR PERFORMANCE ASSESSMENTS

Annual performance assessments shall be based on the following job factors:

(1) Qualitative job factors include factors and standards for assessing the knowledge, skills, attitudes and behaviour of a commissioner in the exercise of his powers and duties, in particular,

(a) the knowledge and use of acts, regulations, rules of evidence and procedure, and jurisprudence acquired through the means available to him;

(b) the written quality of decisions, in particular, clarity, precision and conciseness;

(c) behaviour with respect to the parties, their witnesses and representatives, in particular during hearings;

(d) compliance with the code of ethics applicable to a commissioner of the board;

(e) availability and interest in the duties;

(f) communications and relations with the management and staff of the board;

(g) participation in committees and activities related to the duties of a commissioner of the board.

(2) Quantitative job factors assess the quantitative contribution of a commissioner with respect to the handling of cases, in particular,

(a) the number of cases settled following conciliation, withdrawal or an amicable settlement;

(b) the number of cases handled following inquiries and hearings for the parties, and the testimonies, arguments and the entire documentation pertaining to a case taken under advisement;

(c) the number of decisions rendered.

The annual performance assessment shall be in keeping with the following job ratings:

- A performance that far exceeds required standards
- B performance that exceeds required standards
- C performance that meets required standards
- D performance that is below required standards
- E performance that is far below required standards

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Draft ministerial order

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

Number of hunting licences for cow moose over one year of age

In accordance with section 54.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), notice is hereby given that the following ministerial order may be decreed at the end of 15 days following publication of this notice.

This order sets the number of licences issued to hunt cow moose over one year of age in hunting areas or parts thereof, and modifies the number previously set for areas 1, 10, 14, 15 and 18.

This order modifies the number of said licences fixed by Ministerial Order 1997-1.

A review of the matter has thus far indicated no assessable impact on businesses, particularly SMBs. In fact, reducing the number of hunting licences for cow moose over one year of age in areas 10, 14, 15 and the western part of area 18 may lead to fewer hunters in certain territories (outfitting operations, ZECs and wildlife sanctuaries). Although hunters will notice a reduction in the number of hunting licences for cow moose over one year of age available for these areas, the total number of licences issued by MEF will be 650 more than last year.

For further information, contact:

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If you have any comments, please submit them in writing, before the 15-day period is up, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (QC) G1R 5V7.

PAUL BÉGIN,
*Minister of the Environment
and Wildlife*

M.O. 1998-1

Order of the Minister of the Environment and Wildlife concerning the number of hunting licences for cow moose over one year of age

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

CONCERNING the number of hunting licences for cow moose over one year of age awarded by draw:

WHEREAS section 54.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) stipulates that the Minister of the Environment and Wildlife may, for purposes of conservation or management, issue fewer or more licences than the number fixed by regulation or may issue no licences;