

If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit begins to apply before the determined date, that amount of pension or pension credit shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension begins to apply and the determined date, without exceeding 65% in the case of the reduction applicable to the amount of pension.

If the pensioner retired before the date of payment and if that date occurs after the determined date, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension begins to apply, if the pensioner retired before the determined date, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the determined date or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or thereafter, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date of the pensioner's 65th birthday and 0.75% per month, calculated for each month between the latter date and the date on which that amount of pension credit begins to apply.

**21.** For the purposes of sections 18 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid at the

date of assessment or would have been if the former public servant had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

The amount of pension credit obtained pursuant to the first paragraph shall be increased, for each month between the date of assessment and the date on which it begins to apply, by 0.50% for each month prior to the date of the pensioner's 65th birthday and by 0.75% for each month after that date."

**8.** The following sentence is added at the end of section 27: "A separate calculation shall be made for the refund of the sums paid to purchase a pension credit."

**9.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 2000.

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## Draft Regulation

Labour Code  
(R.S.Q., c. C-27; 2001, c. 26)

### Commission des relations du travail — Procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish a procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail as provided for in sections 137.13, 137.15 and 137.16 of the Labour Code (R.S.Q., c. C-27), enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, c. 26).

In that respect, the draft Regulation proposes rules concerning the publication of a notice of vacant positions and its content, the documents and information to

be forwarded by an applicant, the formation, composition and operation of selection committees and the consultations that the committees may hold. The draft Regulation also proposes criteria to be taken into account by the selection committees to determine an applicant's qualifications.

The draft Regulation sets out rules on the content and forwarding of committee reports, the register of certificates of qualifications and the manner in which the recommendation of a person who has been declared to be qualified for appointment as commissioner to the Commission des relations du travail is to be made to the Government.

To date, study of the matter has revealed no significant impact on businesses and the public.

Further information may be obtained by contacting Jacques Doré, Assistant Deputy Minister, Ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1, by telephone at (418) 643-3069 or by fax at (418) 643-2902.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Human Resources and Labour and Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JEAN ROCHON,  
*Minister of State for Human Resources  
and Labour and Minister of Labour*

## **Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail**

Labour Act  
(R.S.Q., c. C-27, ss. 137.13, 137.15, 137.16; 2001,  
c. 26, s. 63)

### **DIVISION I NOTICE OF RECRUITMENT**

**1.** Where it is expedient to draw up a list of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publish a notice of recruitment in a publication circulated throughout Québec, inviting interested persons to apply for the position of commissioner of the Commission.

**2.** The notice shall give

(1) a brief description of the duties of a commissioner;

(2) the main place where a commissioner could be assigned to perform his duties;

(3) in essence, the selection conditions and criteria prescribed by the Act and this Regulation and, where applicable, the professional qualifications, training and particular experience sought by the Commission;

(4) in essence, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the applications; and

(5) the deadline and address for applying.

**3.** A copy of the notice shall be sent to the Minister of Labour and to the president of the Commission.

### **DIVISION II APPLICATIONS**

**4.** A person who wishes to apply shall forward his résumé and the following information:

(1) his name, home address and telephone number and, if applicable, office address and telephone number;

(2) his date of birth;

(3) the nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications indicated in the notice, when they were acquired and the years of experience the person worked in such qualifications;

(5) any condemnation for a criminal or indictable offence or any disciplinary decision, as well as the nature of the offence or fault in question and the imposed sentence or disciplinary penalty;

(6) any condemnation for a penal offence, the nature of the offence in question and the sentence imposed and whether one can reasonably believe that such offence is likely to question the integrity or impartiality of the Commission or of the applicant, to interfere with his ability to perform his duties or to ruin the trust of the public in the office holder;

(7) where applicable, the names of his employers or partners over the past ten years;

(8) where applicable, whether he has applied for a position of commissioner of the Commission in the past three years;

(9) a summary of the reasons for his interest in performing the duties of commissioner of the Commission.

The person shall also provide a written statement in which he agrees to a verification with a disciplinary body, any professional order of which he is or was a member, his employers over the last ten years, police authorities and, where applicable, in which he agrees that the persons or partnerships referred to in section 14 may be consulted.

### **DIVISION III** FORMATION OF A SELECTION COMMITTEE

**5.** Following publication of the notice of recruitment, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chair and appoint to it

(1) the chair of the Commission or, after consulting him, another commissioner of the Commission;

(2) a person of the legal community; and

(3) two persons of the labour relations community.

**6.** Where his impartiality could be questioned, a member of the committee shall withdraw in respect of an applicant, particularly in the following situations:

(1) the member is or was the applicant's spouse;

(2) the member is related to the applicant by birth or marriage, to the degree of first cousin inclusively;

(3) the member is or was an employer, employee or a partner of the applicant in the last ten years; notwithstanding the foregoing, a member who is in the public service shall withdraw in respect of an applicant only if he is or was the employee or immediate superior of the applicant.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

**7.** Before taking office, the members of the committee shall take the following oath: "I, (full name), declare

under oath that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office."

The oath shall be taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère du Travail empowered to administer oaths.

The writing evidencing the oath shall be sent to the Associate Secretary General.

**8.** A person may be appointed to more than one committee at the same time.

**9.** Travel and accommodation expenses of the committee members shall be reimbursed 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, as amended.

In addition to the reimbursement of their expenses, the committee members who are neither commissioners of the Commission nor employees of a government department or agency are entitled to fees of \$100 per half-day of sitting.

### **DIVISION IV** OPERATION OF THE SELECTION COMMITTEE

**10.** The list of applicants and their records shall be sent to the chair of the selection committee.

**11.** The committee shall analyze the applicants' records and shall retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of applicants.

**12.** The chair of the committee shall inform the short-listed applicants of the date and place of their interview with the committee and shall inform the other applicants that they were turned down and, as a result, will not be called to a meeting.

**13.** The committee's report shall list the applicants that were turned down, giving reasons therefor.

### **DIVISION V** CONSULTATIONS AND SELECTION CRITERIA

**14.** The committee may, on any matter in an applicant's record or any aspect of an application or of the applications as a whole, consult with

(1) any person who has been, in the last ten years, an employer, partner, immediate superior or first-line superior of the applicant;

(2) any legal person, partnership or professional association of which the applicant is or was a member.

**15.** The selection criteria that the committee shall take into account in determining an applicant's qualifications are

(1) the applicant's personal and intellectual qualities;

(2) the applicant's experience and the relevancy of that experience in relation to the duties of the Commission;

(3) the extent of the applicant's knowledge or skills in view of the required professional qualifications, training or particular experience stated in the notice of recruitment;

(4) the applicant's ability to carry out judicial functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the applicant's conception of the duties of a commissioner of the Commission.

#### **DIVISION VI**

##### **REPORT OF THE SELECTION COMMITTEE**

**16.** Committee decisions shall be made by a majority vote of its members. In case of a tie-vote, the chair of the committee shall have a casting vote.

**17.** Promptly and not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall submit a report including

(1) the names of the applicants with whom the committee met and whom it declared qualified to be appointed as commissioners to the Commission, their profession and the particulars concerning their work place;

(2) any comments that the committee considers expedient, especially with respect to the particular characteristics or qualifications of the applicants considered qualified.

That report shall be submitted to the Associate Secretary General and to the Minister of Labour.

**18.** The committee shall declare qualified a number of applicants normally corresponding to at least twice the number of vacant positions, unless it cannot do so.

**19.** A member of the committee may register his dissent with respect to all or part of the report.

#### **DIVISION VII**

##### **REGISTER OF CERTIFICATES OF QUALIFICATIONS**

**20.** The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the applicants to inform them whether or not they have been declared qualified to be appointed as commissioners to the Commission.

**21.** The Associate Secretary General shall keep the register of certificates of qualifications up-to-date and shall enter therein the list of the persons declared qualified to be appointed as commissioners to the Commission.

A certificate of qualifications shall be valid for a period of three years from the date it is entered in the register.

The Associate Secretary General shall strike out an entry upon the expiry of the validity period of the certificate of qualifications, or where the person is appointed as commissioner to the Commission, dies or asks to be withdrawn from the register.

#### **DIVISION VIII**

##### **RECOMMENDATION**

**22.** As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list of persons declared qualified to the Minister of Labour.

**23.** If the Minister of Labour is of the opinion that he cannot recommend an appointment, considering the list of persons qualified to be appointed as commissioners and in the best interest of carrying out the duties of the Commission, he shall then ask the Associate Secretary General to have a notice of recruitment published, in accordance with Division I.

The committee in charge of assessing the qualifications of applicants who applied after the publication of another notice and of reporting to the Associate Secretary General and to the Minister may be composed of persons previously designated to sit on a preceding committee.

**24.** The Minister of Labour shall recommend to the Government the name of a person who has been declared qualified to be appointed as commissioner to the Commission, after consultation with the most representative associations of workers and employers' associations.

#### **DIVISION IX CONFIDENTIALITY**

**25.** The names of applicants, the reports of selection committees, the register, the list of applicants declared qualified to be appointed as commissioners to the Commission, as well as any information or document relating to a consultation or decision by a committee, are confidential.

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

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### **Draft Regulation**

Forest Act  
(R.S.Q., c. F-4.1; 2001, c. 6)

#### **Fonds forestier — Contribution of holders of certain contracts and agreements to the Fonds forestier**

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the contribution of holders of certain contracts and agreements to the Fonds forestier, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

The purpose of the Regulation is to set, for the 2002-2003 fiscal year, the rate per cubic metre of timber which serves as a basis for determining the contribution of holders of timber supply and forest management agreements, forest management agreements, forest management contracts or auxiliary timber supply guarantee agreements to the forestry fund.

Under section 13 of the Act, the draft Regulation may be made at the expiry of a period shorter than required under section 11 of that Act, due to the urgency of the following circumstances:

— the contribution to the forestry fund finances the activities relating to forest management;

— given the importance of these activities and in order not to affect their financing by the forestry fund, it is essential that a rate come into effect on 1 April 2002.

Further information on the draft Regulation may be obtained by contacting Francine Beaulieu, Director, Coordination sectorielle, ministère des Ressources naturelles, Forêt Québec, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4; tel.: (418) 627-8652; fax: (418) 528-1278.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 20-day period, to the Minister of Natural Resources, 5700, 4<sup>e</sup> Avenue Ouest, local A 308, Charlesbourg (Québec) G1H 6R1.

FRANÇOIS GENDRON,  
*Minister for Forest management  
and Rurality*

GILLES BARIL,  
*Minister of State for Natural  
Resources and Regions,  
Minister of Natural Resources*

### **Regulation respecting the contribution of holders of certain contracts and agreements to the Fonds forestier**

Forest Act  
(R.S.Q., c. F-4.1, ss. 73.4, 95.2.1, 104.5 and 172,  
par. 18.2; 2001, c. 6, ss. 59, 82, 91, 176 and 184)

**1.** Holders of a timber supply and forest management agreement, of a forest management agreement, of a forest management contract or of an auxiliary timber supply guarantee agreement shall pay their contribution into the forestry fund within a fiscal year on 1 April, 1 July, 1 October and 1 January.

**2.** The rate per cubic metre of timber on which the holder's contribution is based shall be \$2.09 for the 2002-2003 fiscal year, that is, \$0.5225 quarterly.

**3.** The volume of timber to which the quarterly rate established in section 2 applies shall be determined on the contribution dates provided for in section 1.

The volume of timber under the first paragraph is the volume allotted to an agreement holder, the volume authorized under the management permit of a forest management contract holder or the auxiliary volume specified in an auxiliary timber supply guarantee agreement, as the case may be.

**4.** The Minister shall send the holder an assessment notice on the dates provided for in section 1.