

Draft Regulations

Draft Regulation

Public Administration Act
(R.S.Q., c. A-6.01)

Payment of interest to government suppliers — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the government may pass a “Regulation to amend the Regulation respecting payment of interest to government suppliers”, as worded below, after the expiration of a term of 45 days from the date of this publication.

The purpose of such draft regulation is to reduce from 60 to 30 days the term after which interest may be charged on late payments to government suppliers.

Additional information may be obtained from Mr Christian Beaudet, Department Head of the Service des politiques et de soutien à la gestion, Conseil du trésor, 875, Grande Allée Est, 4-C, Québec (Québec) G1R 5R8, telephone: (418) 528-6256

Any person interested in submitting comments may do so in writing to the Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor, 885, Grande Allée Est, 4^e étage, Québec (Québec) G1R 6C2 before the expiration of the 45-day term.

JOSEPH FACAL

*Minister responsible for Administration
and the Public Service and Chair of the
Conseil du trésor*

Regulation to amend the Regulation respecting payment of interest to government suppliers*

Public Administration Act
(R.S.Q., c. A-6.01, s. 58)

1. The Regulation to amend the Regulation respecting payment of interest to government suppliers is amended by replacing the number “60” by the number “30” in the second paragraph of section 4.
2. Section 5 of said Regulation is amended by replacing the number “60” by the number “30”.
3. 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

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

Remuneration of arbitrators

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the remuneration of arbitrators, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to update certain elements of the remuneration of arbitrators provided for in the current Regulation. The hourly rate for arbitrator fees will be set at \$120.

* The Regulation respecting payment of interest to government suppliers (R.R.Q., 1981, c. A-6, r.18) was last modified by the regulation passed under orders n° 396-84 of 22 February 1984 (1984, *G.O.* 2, 1343). For previous amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 Septembre 2001.

The draft Regulation replaces the mode of remuneration of arbitrators, characterized by the negotiability of hourly rates and of the duration of the period for deliberation and the drafting of awards, by a new method of determination that allows arbitrators to claim the tariff of remuneration declared in accordance with the prescriptions indicated in this draft Regulation.

The draft Regulation also prescribes a special mode of remuneration for arbitrators who are members of a group of arbitrators or the Tribunal d'arbitrage procédure alléguée (TAPA).

Finally, its purpose is to exempt organizations in the public service sector and in the education sector from the application of the Regulation, considering the governmental constraints to which they are subject and the special practices that resulted therefrom in respect of remuneration of arbitrators.

Further information may be obtained by contacting Marc Pelletier at (418) 644-0291 or by fax at (418) 644-3331.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of 45 days provided for in the first paragraph, to the undersigned, Minister of State for Human Resources and Labour and Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

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

Regulation respecting the remuneration of arbitrators

Labour Code
(R.S.Q., c. C-27, s. 103 ; 2001, c. 26, s. 57)

1. This Regulation applies to arbitrators of grievances and disputes.

It does not apply to the arbitration of a grievance involving an association of employees within the meaning of the Labour Code (R.S.Q., c. C-27) and the Government or a department, a government agency the personnel of which is appointed or remunerated under the Public Service Act (R.S.Q., c. F-3.1.1), a college or school board referred to in the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

2. An arbitrator is entitled to fees of \$120 for each hour of arbitration hearing, for each hour of deliberation with the assessors and, subject to section 4, for each hour of deliberation and drafting of an award.

An arbitrator is entitled, for each day of hearing, to a minimum remuneration equivalent to three hours of fees at the rate set by the first paragraph.

3. A grievances arbitrator is also entitled to fees at the rate set by section 2 for each hour of a pre-hearing conference.

4. For deliberation and the drafting of awards, a grievances arbitrator is entitled to fees at the rate set by section 2 up to a maximum of 14 hours per day of hearing, 22 hours for two days of hearing and, where there are three days of hearing or more, 22 hours for the first two days and 5 hours for each subsequent day.

A disputes arbitrator is entitled to fees at the rate set by section 2 up to a maximum of 14 hours per day of hearing, 22 hours for two days of hearing, 27 hours for three days of hearing and, where there are four days of hearing or more, 27 hours for the first three days and 3 hours for each subsequent day.

An arbitrator is entitled to fees at the rate set by section 2 up to a maximum of 14 hours if no arbitration hearing is held.

5. For all expenses related to arbitration, namely fees for opening files, telephone calls, correspondence and the drafting and filing of duplicates or copies of the arbitration award, an arbitrator is also entitled to one hour of fees at the rate set by section 2.

6. An arbitrator's transportation costs and meal and accommodation expenses shall be reimbursed in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603 dated 30 March 2000) as it reads at the time it applies.

7. An arbitrator is entitled to a travel allowance when performing duties outside the office.

The amount of the allowance corresponds to the amount obtained by multiplying the rate of \$80 by the number of hours required for a round trip using the fastest means of transportation except for the first two hours of the trip which are not remunerated.

8. When a case is discontinued or fully settled more than 30 days before the hearing date, an arbitrator is entitled to an indemnity of only one hour of fees at the rate set by section 2 and to the expenses related to arbitration provided for in section 5.

When a case is discontinued, fully settled or postponed at the request of a party 30 days or less before the date of the hearing, an arbitrator is entitled to only three hours of fees at the rate set by section 2.

9. An arbitrator is entitled to reimbursement of the actual costs incurred in renting a room for a hearing.

10. Except as provided for in sections 11, 15, 16 and 17, an arbitrator may not claim any fees, expenses, allowances or indemnities other than those set by sections 2 to 9.

11. An arbitrator chosen and remunerated by the parties or by any one of them may claim a remuneration different from that set by sections 2 to 8.

To that end, an arbitrator must declare to the Minister of Labour a tariff of remuneration that includes the hourly rate that will be claimed under sections 2 to 5, the amount of the expenses, allowances and indemnities referred to in sections 6 to 8 and the conditions for the application of those amounts.

12. The tariff of remuneration must be declared using the form proposed by the Ministère du Travail from 15 April to 15 May of each year.

13. The remuneration provided for in the tariff may be claimed only in respect of a grievance or dispute submitted to an arbitrator as of 1 July that follows the period referred to in section 12.

14. The tariff of remuneration remains in effect as long as it is not altered in accordance with section 12. Section 13 applies to the altered tariff of remuneration.

15. An arbitrator whose name is entered on the list of arbitrators referred to in section 77 of the Labour Code after the period referred to in section 12 may nonetheless declare the tariff of remuneration within 30 days following the date of that entry.

Notwithstanding section 13, the remuneration provided for in the tariff declared under the first paragraph may be claimed only in respect of a grievance or dispute submitted to an arbitrator from the date on which the Minister notifies the arbitrator that the declared tariff was entered on the list referred to in section 18.

16. Where an arbitrator belongs to a group of arbitrators, the arbitrator remunerated by the parties or by one of them may, to the extent provided for in this section, claim as remuneration, the lump sum provided for in the group tariff in respect of the grievance or dispute that was submitted to the arbitrator by the group.

The group of arbitrators must be constituted according to a juridical form prescribed by law and governed by an expedited arbitration process that prescribes in particular a common tariff of remuneration for all members.

The tariff must specify, among the remunerated acts and expenses referred to in sections 2 to 8, the acts and expenses included in the lump sum provided and the conditions for the application of the amount.

The tariff of remuneration must be declared to the Minister of Labour by the group of arbitrators and sections 12 to 14 apply, adapted as required.

The group of arbitrators must also send a copy of its deed of incorporation, the list of its members and of its expedited arbitration process.

17. A grievances arbitrator acting as a member of the Tribunal d'arbitrage procédure allégée (TAPA) shall be remunerated in accordance with the tariff established by the provisions of the expedited arbitration of grievances process administered by that court.

18. The Minister of Labour shall draw up a list of tariffs of remuneration declared under sections 11, 15 and 16, send a copy thereof to the Conseil consultatif du travail et de la main-d'oeuvre and ensure periodically the updating and distribution thereof in particular with the most representative associations of arbitrators, employees and employers.

The Minister shall put a copy of that list at the disposal of the public by any means he or she deems to be appropriate.

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

The parties shall assume jointly and equally payment of the fees, expenses, allowances and indemnities of an arbitrator in the case of a dispute referred under section 75 of the Labour Code or where the collective agreement prescribes that the dispute be referred to arbitration.

The Minister of Labour shall assume payment of the fees, expenses, allowances and indemnities of the arbitrator of a dispute referred under sections 93.3 and 97 of the Labour Code.

20. An arbitrator shall submit a detailed account of fees, making it possible to verify the validity of the fees, expenses, allowances and indemnities claimed per day.

21. Notwithstanding sections 11 and 16, an arbitrator and a group of arbitrators may declare the tariff of remuneration referred to in those sections within 30 days that follow (*enter the date of coming into force of this section*) and the remuneration provided for in the tariff declared during that period may be claimed only in respect of a grievance or dispute submitted to an arbitrator as of 1 September 2002.

22. The provisions of the Regulation respecting the remuneration of arbitrators as they read before being replaced by this Regulation continue to apply in respect of the grievances and disputes submitted to arbitration before 1 September 2002.

23. This Regulation replaces the Regulation respecting the remuneration of arbitrators made by Order in Council 1486-96 dated 27 November 1996.

24. This Regulation comes into force on 1 September 2002, except section 3 which comes into force on the date of coming into force of section 49 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) and section 21 which 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

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)

Upper limit of kill for moose – 2002

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation respecting the 2002 upper limit of kill for moose, 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 renew for one year the limit of kill for moose allocated to the native people and non-Natives in Area 17.

To that end, the Regulation proposes to limit the kill for moose in Area 17 to the same number as for 2001, that is, 140 moose.

To date, study of the matter has revealed no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting :

Serge Bergeron
Société de la faune et des parcs du Québec
Direction des territoires fauniques et de la réglementation
675, boulevard René-Lévesque Est, 11^e étage, boîte 96
Québec (Québec)
G1R 5V7

Telephone: (418) 521-3880, extension 4078
Fax: (418) 646-5179
E-mail: serge.bergeron@fapaq.gouv.qc.ca

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 900, boulevard René-Lévesque Est, Bureau 336, Québec (Québec) G1R 2B5.

RICHARD LEGENDRE,
Minister responsible for Wildlife and Parks

Regulation respecting the 2002 upper limit of kill for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1, s. 78, 1st par., subpar. f, and 2nd and 3rd pars.)

1. The upper limit of kill for moose allocated to the native people and non-natives in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, is 140 moose for the period extending from 1 August 2002 to 31 July 2003.

2. 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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