

Where the maternity, paternity or adoption leave is taken before the period of leave, the senior executive may terminate the plan. He or she shall then receive the unpaid salary without interest and the benefit prescribed for the said leave as prescribed in Chapter IX, Parental Rights. The amounts so reimbursed shall be subject to pension plan contributions.”.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

2220

M.O., 2012

Order of the Minister of Education, Recreation and Sports dated 11 July 2012

Education Act
(R.S.Q., c. I-13.3)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 451 of the Education Act (R.S.Q., c. I-13.3);

WHEREAS the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was made by the Minister's Order dated 18 November 2004 approved by the Conseil du trésor on 30 November 2004 (C.T. 201768) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 451 of the Education Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal, herewith attached, be made.

MICHELLE COURCHESNE,
Minister of Education, Recreation and Sports

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal*

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is amended by inserting, after Division 4 of Chapter 4, the following division:

“DIVISION 5 LEAVES FOR FAMILY RESPONSIBILITIES

103.1 A senior executive may be absent from work for up to 10 days per year to carry out obligations relating to the care, health or education of his or her child or spouse's child or because of the state of health of his or her spouse, father, mother, brother, sister or one of his or her grandparents. The first six days thus used are considered as sick-leave days. The remaining days are considered as absences without pay.

103.2 A senior executive who is absent without pay for the reasons and under the conditions specified in sections 79.8 to 79.16 of the Act respecting labour standards (R.S.Q., c. N-1.1) must inform the school board of the reason for his or her absence as soon as possible and provide proof thereof. During the absence without pay, the senior executive shall accumulate his or her experience for the purposes of determining his or her salary up to the maximum leave period prescribed in the Act

* The Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal made by the Minister's Order dated 18 November 2004 approved by the Conseil du trésor, C.T. 201768 on 30 November 2004 (2004, G.O. 2, 3529) was amended by the Regulation made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202756 (2005, G.O. 2, 2483), the Regulation made by the Minister's Order dated 6 October 2005 approved by the Conseil du trésor, C.T. 202857 (2005, G.O. 2, 4715), the Regulation made by the Minister's Order dated 5 December 2005 approved by the Conseil du trésor, C.T. 203161 (2006, G.O. 2, 246), the Regulation made by the Minister's Order dated 2 December 2005 approved by the Conseil du trésor, C.T. 203163 (2006, G.O. 2, 318), the Regulation made by the Minister's Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203753 (2006, G.O. 2, 1698), the Regulation made by the Minister's Order dated 18 June 2009 approved by the Conseil du trésor, C.T. 207979 (2009, G.O. 2, 2110) and the Regulation made by the Minister's Order dated 6 June 2011 (2011, G.O. 2, 1399).

respecting labour standards for the leave and his or her service shall not be interrupted. He or she shall continue to participate in the compulsory basic health insurance plan applicable to him or her by paying his or her share of the premiums. In addition, he or she may continue to participate in the other group insurance plans that he or she had prior to the leave after submitting an application at the beginning of the leave. If the senior executive pays his or her share of the insurance plan premiums, the school board shall also pay its own, if need be, up to the maximum leave period prescribed in the Act respecting labour standards.

Upon his or her return, the senior executive shall be reinstated in the position prescribed in section 47 of Schedule 5, Parental Rights.”.

2. The Regulation is amended by replacing Schedule 5 with the following:

**“SCHEDULE 5
PARENTAL RIGHTS**

**DIVISION 1
GENERAL PROVISIONS**

1. Unless expressly stated otherwise, this schedule may not have the effect of granting monetary or non-monetary benefits that a senior executive would not have received had the senior executive remained at work.

For the purposes of this schedule, a “spouse” means either of two persons who:

- (1) are married or in a civil union and cohabiting;
- (2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child;
- (3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment, the dissolution or nullity of the civil union or, if they are living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

2. Compensation for maternity, paternity or adoption leave shall be paid only as a supplement to parental insurance benefits or Employment Insurance benefits, as the case may be, or in the cases mentioned below, as

payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

However, maternity, paternity or adoption leave benefits shall be paid only during the weeks the senior executive receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

In the case where the senior executive shares the adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior executive actually receives a benefit under either one of the plans during the maternity leave prescribed in section 6 or 7, the paternity leave prescribed in section 25 or the adoption leave prescribed in section 33.

3. Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

4. The school board shall not reimburse a senior executive for an amount that could be claimed from the senior executive by the Minister of Employment and Social Solidarity under the Act respecting parental insurance (R.S.Q., c. A-29.011) or by Human Resources and Skills Development Canada (HRSDC) under the Employment Insurance Act (S.C. 1996, c. 23).

5. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the Supplementary Employment Insurance Benefits Plan.

**DIVISION 2
MATERNITY LEAVE**

§1. Leave Entitlement

6. A pregnant senior executive covered by section 17 is entitled to 21 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The pregnant senior executive covered by section 21 or 22 is entitled to 20 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The senior executive who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 17 and 21 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior executive covered by section 22 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

Maternity leave may be for a shorter duration than the durations mentioned in the preceding paragraphs. A senior executive who returns to work, within two weeks following the birth, shall provide, upon the school board's request, a medical certificate attesting that she has sufficiently recovered to return to work.

7. A senior executive who becomes pregnant while on a leave without pay prescribed in this schedule is also entitled to maternity leave and to the benefits prescribed in sections 17, 21 and 22.

8. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, a senior executive is also entitled to maternity leave.

9. Where the spouse of a senior executive dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior executive.

§2. *Terms and Conditions of Maternity Leave*

10. The distribution of maternity leave before and after delivery shall be decided by the senior executive. However, the leave of the senior executive eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

11. A senior executive may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. It shall be completed when the child is brought home.

Moreover, when a senior executive has sufficiently recovered from delivery, but the child is hospitalized after leaving the health institution, the senior executive may suspend her maternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

12. Upon the senior executive's request, a maternity leave may be divided into weeks if her child is hospitalized or due to a situation, other than illness related to pregnancy, covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1).

The maximum number of weeks during which the maternity leave may be suspended corresponds to the number of weeks during which the child is hospitalized. For any other possible divisions of the leave, the maximum number of weeks during which the leave is suspended is prescribed in the Act respecting labour standards for such a situation.

During those suspensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior executive shall receive the benefits prescribed in section 45 during the suspension.

13. When the senior executive resumes the maternity leave suspended or divided under section 11 or 12, the school board shall pay the senior executive the allowance to which she would have been entitled had she not suspended or divided the leave. The school board shall pay the allowance for the number of weeks remaining under section 17, 21 or 22, as the case may be, subject to section 2.

14. If the birth occurs after the expected date, the senior executive is entitled to extend the maternity leave for the length of time the birth is overdue, unless she already has at least two weeks of maternity leave remaining after the birth.

Furthermore, a maternity leave may be extended if the state of health of the child or of the senior executive requires it. The duration of extended maternity leave shall be specified in the medical certificate provided by the senior executive.

During the extensions, the senior executive is considered on leave without pay and shall not receive any allowance or benefit from the school board. During those extensions, the senior executive shall be covered by section 56 for the first six weeks and subsequently by section 45.

15. During the fourth week preceding the expiry date of a maternity leave, the school board must send the senior executive a notice indicating the date on which the leave expires.

A senior executive to whom the school board has sent the notice prescribed in the first paragraph must report for work on the date on which the maternity leave expires, unless the leave is extended in the manner prescribed in Division 5.

A senior executive who does not comply with the preceding paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, the senior executive who has not reported for work is deemed to have resigned.

16. To obtain maternity leave, a senior executive must provide the school board with at least three weeks' written notice before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and the expected date of delivery.

Less than three weeks' notice may be given if a medical certificate attests that the senior executive must stop working earlier than expected. In case of unforeseen events, the senior executive shall not be required to give notice, subject to submitting a medical certificate to the school board stating it is necessary to stop working immediately.

§3. *Entitlement of a senior executive to an allowance under the Québec Parental Insurance Plan*

17. A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan is also entitled to receive for 21 weeks of the maternity leave an allowance equal to the difference between 93% of the senior executive's basic weekly salary and the maternity or parental benefits that she receives or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior executive is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance (R.S.Q., c. A-29.011).

However, if the benefit paid under the Québec Parental Insurance Plan is modified due to a change in the information provided by the school board, the latter shall adjust the allowance accordingly.

A senior executive who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the school board and the benefits paid under the Québec Parental Insurance Plan that represent the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the benefits paid under the Act respecting parental insurance.

18. For the purposes of entitlement to maternity leave benefits, a senior executive who is absent shall accumulate service if the absence is authorized, particularly for total disability, and includes a benefit or remuneration.

19. For the purposes of this schedule, basic weekly salary means the salary of the senior executive, including the lump sums resulting from the salary readjustment procedure.

20. The school board may not offset, in the allowance it pays to a senior executive on maternity leave, the reduction in benefits under the Québec Parental Insurance Plan attributable to the salary earned from another employer.

Notwithstanding the provisions of the preceding paragraph, the school board shall pay the compensation if the senior executive proves that the salary earned from another employer is a regular salary by means of a letter to that effect from the employer paying it. If the senior executive proves that only part of the salary is regular, the compensation shall be limited to that part.

The employer paying the regular salary mentioned in the preceding paragraph must provide such a letter at the request of the senior executive.

However, the total amounts received by the senior executive during the maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary cannot exceed 93% of the basic salary paid by the senior executive's employer or, where applicable, employers.

§4. *Entitlement of a senior executive to an allowance under the Employment Insurance Plan*

21. A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan, but is not eligible for benefits under the Québec Parental Insurance Plan is entitled to receive:

a) for each week of the waiting period prescribed by the Employment Insurance Plan, an allowance equal to 93% of the basic weekly salary;

b) for each week that follows the period prescribed in paragraph *a*, an allowance equal to the difference between 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior executive receives or could receive, after submitting an application for benefits, up to the end of the 20th week of maternity leave.

The allowance shall be based on the Employment Insurance benefits that a senior executive is entitled to receive without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan.

However, if the Employment Insurance benefit is modified due to a change in the information provided by the school board, the latter shall adjust the allowance accordingly.

A senior executive who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the school board and the percentage of the Employment Insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by HRSDC.

Moreover, if HRSDC reduces the number of weeks of Employment Insurance benefits to which the senior executive would have been entitled had she not received Employment Insurance benefits before her maternity leave, the senior executive shall continue to receive the allowance prescribed in the first subparagraph of paragraph *b* of this section for a period equal to the weeks subtracted by HRSDC as though the senior executive had received Employment Insurance benefits during that period.

Section 20 applies to this subdivision with any necessary modifications.

§5. Allowance entitlement of a senior executive excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan

22. A senior executive excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 17 and 21.

However, a full-time senior executive who has accumulated 20 weeks of service is entitled to an allowance equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or territory.

The part-time senior executive who has accumulated 20 weeks of service is entitled to an allowance equal to 95% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or territory.

If a part-time senior executive is not required to pay contributions to the pension plans and to the Québec Parental Insurance Plan, the allowance shall be set at 93% of her basic weekly salary.

§6. Calculation and Payment of Allowance

23. In the cases prescribed in sections 17, 21 and 22:

a) No allowance may be paid during a vacation period during which a senior executive is paid.

b) Unless the salary is paid on a weekly basis, the allowance shall be paid at two-week intervals, the first payment being due, in the case of a senior executive eligible for benefits under the Québec Parental Insurance Plan, only 15 days after the school board obtains proof that she is receiving benefits under that plan.

In the case of a senior executive eligible for benefits under the Employment Insurance Plan, the allowance due for the first two weeks shall be paid by the school board in the first two weeks of the leave. Unless the applicable salary is paid on a weekly basis, the allowance due after that date shall be paid at two-week intervals, the first payment being due only 15 days after the school board obtains proof that she is receiving benefits under that plan.

For the purposes of subparagraph *b*, a statement of benefits, a payment stub or information provided by means of an official statement by the Ministry of Employment and Social Solidarity or the HRSDC shall be accepted as proof.

c) Service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social services agencies, all bodies for which, by law, the salary standards and scales are determined according to the conditions defined by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other body listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Moreover, the requirement of 20 weeks of service under sections 17, 21 and 22 is deemed to have been met, where applicable, if the senior executive has satisfied that requirement with any employer mentioned in the preceding paragraph.

d) The basic weekly salary of the part-time senior executive is the average basic weekly salary of the last 20 weeks before her maternity leave.

If, during that period, the senior executive received benefits based on a certain percentage of her regular salary, it shall be understood that, for the purposes of calculating her basic salary during her maternity leave, the basic salary referred to is that on the basis of which such benefits are determined.

Any period during which the senior executive on preventive reassignment under section 52 does not receive any benefit under the CSST shall not be taken into account in the calculation of her average basic weekly salary.

Where the last 20 weeks before the maternity leave of the part-time senior executive includes the date on which the salary rates and scales are increased, the basic weekly salary shall be based on the salary rate in effect on that date. If, however, the maternity leave includes that date, the basic weekly salary changes on that date according to the applicable salary scale adjustment formula.

The provisions of subparagraph *d* constitute one of the provisions specified in section 1.

DIVISION 3 **PATERNITY LEAVE**

§1. Leave Entitlement

24. A senior executive is entitled to take paid leave for a maximum of five working days for the birth of his child. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, the senior executive is also entitled to a paternity leave. The paid leave may be discontinuous, but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the baptism or registration of the child.

The senior executive whose spouse gives birth is also entitled to the paternity leave if she is designated as one of the child's mothers.

The senior executive must inform the school board of his absence as soon as possible.

25. A senior executive is also entitled to take paternity leave for the birth of his child for no more than five weeks which, subject to sections 53 and 54, must be consecutive. The leave must terminate no later than the end of the 52nd week following the week of the child's birth.

The paternity leave of a senior executive who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

The senior executive whose spouse gives birth is also entitled to the leave if she is designated as one of the child's mothers.

§2. Allowance Entitlement

26. During the paternity leave prescribed in section 25, the senior executive shall receive an allowance equal to the difference between his basic weekly salary and the benefit that he is receiving or would receive after submitting an application for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second, third and fourth paragraphs of section 17 or subparagraph *b* of section 21, as the case may be, and section 20 apply to this section with any necessary modifications.

27. A senior executive who is not entitled to paternity benefits under the Québec Parental Insurance Plan or to parental benefits under the Employment Insurance Plan shall receive during the paternity leave prescribed in section 25 an allowance equal to his basic weekly salary.

28. Subparagraphs *a*, *b* and *d* of section 23 apply to a senior executive receiving the allowances prescribed in section 26 or 27.

§3. Terms and Conditions of Paternity Leave

29. The paternity leave prescribed in section 25 shall be granted following a written request submitted to the school board at least three weeks in advance. However, the time limit can be shorter if the birth occurs before the expected date of delivery. The request must specify the anticipated expiry date of the leave.

30. The senior executive must report for work upon the expiry of his paternity leave prescribed in section 25, unless the leave is extended in the manner prescribed in Division 5.

The senior executive who does not comply with the preceding paragraph is considered to be on leave without pay for a period not exceeding four weeks. At the end of that period, the senior executive who has not reported for work is considered to have resigned.

31. A senior executive who, before the expiry date of his paternity leave prescribed in section 25, sends his school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior executive is considered on leave without pay and section 45 applies. The senior executive shall not receive any allowance or benefit from the school board.

DIVISION 4

ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES

§1. Leave Entitlement

32. A senior executive is entitled to a paid leave of no more than five working days for the adoption of a child other than his or her spouse's child. The leave may be discontinuous, but must be taken within 15 days of the child's arrival home.

One of the five days may be used for the baptism or registration.

The senior executive must inform the school board of his or her absence as soon as possible.

33. A senior executive who legally adopts a child, other than his or her spouse's child, is entitled to an adoption leave not exceeding five weeks which, subject to sections 53 and 54, must be consecutive. The leave must expire not later than the end of the 52nd week following the week when the child arrives home.

The leave of the senior executive eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

The leave of the senior executive who is ineligible for benefits under the Québec Parental Insurance Plan must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan or at another time agreed with the school board.

34. A senior executive who adopts his or her spouse's child is entitled to a leave of no more than five working days, of which only the first two shall be paid.

The leave may be discontinuous, but it cannot be taken after 15 days of filing the adoption papers.

§2. Allowance Entitlement

35. During the adoption leave prescribed in section 33, the senior executive shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she is receiving or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second, third and fourth paragraphs of section 17 or subparagraph *b* of section 21, as the case may be, and section 20 apply with any necessary modifications.

36. The senior executive who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her spouse's child, shall receive, during the adoption leave prescribed in section 33, an allowance equal to his or her basic weekly salary.

§3. Terms and Conditions of Adoption Leave

37. The leave prescribed in section 33 shall be granted following a written request submitted to the school board at least three weeks in advance. The request must also specify the anticipated expiry date of the leave.

38. The senior executive must report for work upon the expiry of the adoption leave prescribed in section 33, unless the leave is extended in the manner prescribed in Division 5.

The senior executive who does not comply with the preceding paragraph is considered to be on leave without pay for a period not exceeding four weeks. At the end of that period, the senior executive who has not reported for work is considered to have resigned.

39. A senior executive who, before the expiry date of the adoption leave prescribed in section 33, sends his or her school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior executive is considered on leave without pay and section 45 applies. The senior executive shall not receive any allowance or benefit from the school board.

40. Subparagraphs *a*, *b* and *d* of section 23 apply to the senior executive who receives the benefits prescribed in section 35 or 36 with the necessary changes.

41. A senior executive shall benefit for the purposes of adopting a child from a leave without pay of a maximum duration of 10 weeks as of the date on which he or she actually takes custody of the child, unless it involves the spouse's child.

On a written request to the school board if possible two weeks in advance, a senior executive who travels outside of Québec to adopt a child, except for his or her spouse's child, shall obtain leave without pay for the required travel time.

However, the leave ends no later than the week following the start of benefits payment under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 33 applies.

During the leave, the senior executive is entitled to the benefits prescribed in section 45.

DIVISION 5

LEAVE WITHOUT PAY

42. A senior executive wishing to extend the maternity leave prescribed in section 6, 7 or 9, a senior executive wishing to extend the paternity leave prescribed in section 25 and a senior executive wishing to extend the adoption leave prescribed in section 33 is entitled to:

a) a leave without pay for a period not exceeding two years, immediately following the maternity, paternity or adoption leave. However, in the case of a paternity leave, the duration of the leave must not exceed the 125th week following the child's birth or, in the case of an adoption leave, the duration of the leave must not exceed the 125th week following the child's arrival home;

or

b) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior executive, but after the child's birth or adoption, and ending at the latest 70 weeks after the birth or, in the case of an adoption, 70 weeks after the child is placed with the senior executive. The latter leave also applies as extended leave for the adoption of his or her spouse's child prescribed in section 34.

A senior executive who does not take a leave without pay may, for the part of the leave that his or her spouse does not use, elect to benefit from the leave without pay.

43. The leave without pay prescribed in section 42 shall be granted upon written request submitted to the school board at least three weeks in advance, and must also specify the return date.

44. A senior executive who wishes to terminate his or her leave without pay before the scheduled date must give written notice to this effect at least 21 days before he or she intends to return to work. In the case of a leave without pay exceeding 52 weeks, the notice is at least 30 days.

45. During the leave without pay, the senior executive shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be

interrupted. He or she shall continue to participate in the applicable compulsory basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the other group insurance plans held before the leave by making a request at the beginning of the leave. If the senior executive pays his or her share of the premiums for these plans, the employer shall also pay its share, if need be, up to 52 weeks. Subsequently, the senior executive shall pay all the premiums.

46. The senior executive may take the deferred annual vacation prescribed in section 56 immediately before his or her leave without pay provided there is no interruption with the senior executive's paternity, maternity or adoption leave, as the case may be.

47. When a senior executive returns from a leave without pay, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to employment stability provisions, if need be.

48. A leave without pay or partial leave without pay for a maximum period of one year shall be granted to a senior executive whose minor child experiences socioemotional problems or whose child is handicapped or suffers from a chronic illness requiring his or her care.

DIVISION 6

OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

49. A senior executive is entitled to special leave in the following cases:

(1) when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the fourth week before the expected date of delivery;

(2) upon presentation of a medical certificate prescribing the duration, when a spontaneous or induced miscarriage occurs before the beginning of the 20th week preceding the expected date of delivery;

(3) for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or a written report signed by a midwife.

50. As regards the examinations mentioned in subparagraph 3 of section 49, the special leave shall be remunerated for a maximum duration of four days, which may be taken in half-days.

51. During the special leaves granted under this division, a senior executive may avail herself of the benefits prescribed in sections 56 and 59.

A senior executive covered by section 49 may also opt for salary insurance benefits. However, in the case of subparagraph 3 of section 49, the senior executive must first have used up the four days prescribed in section 50.

52. A senior executive shall benefit from preventive reassignment under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) insofar as she is normally entitled to it.

DIVISION 7

SUSPENSION, DIVISION AND OTHER TERMS AND CONDITIONS OF LEAVE

53. If the child is hospitalized, the senior executive may suspend the paternity leave prescribed in section 25 or the adoption leave prescribed in section 33, upon agreement with the school board, and return to work for the period during which the child is hospitalized.

54. Upon the senior executive's request, the paternity leave prescribed in section 25, the adoption leave prescribed in section 33 or the leave without pay prescribed in section 42 may be divided into weeks before the expiry of the first 52 weeks.

The leave may be divided if the senior executive's child is hospitalized or due to a situation covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1).

The maximum number of weeks during which the leave may be suspended corresponds to the number of weeks during which the child is hospitalized. For any other possible divisions of the leave, the maximum number of weeks during which the leave is suspended is prescribed in the Act respecting labour standards for such a situation.

During such a suspension, the senior executive is considered to be on leave without pay and shall not receive any allowances or benefits from the school board. The senior executive is covered by section 45 during the suspension.

55. When the paternity or adoption leave suspended or divided under section 53 or 54 resumes, the school board shall pay the senior executive the allowance to which he or she would have been entitled had he or she not suspended or divided the leave. The school

board shall pay the allowance for the number of weeks remaining under section 25 or 33, as the case may be, subject to section 2.

56. During the maternity leave and the extensions prescribed in section 14, the paternity leave prescribed in sections 24 and 25 and the adoption leave prescribed in sections 32, 33 and 34, a senior executive shall have, if he or she is normally entitled thereto, the following benefits:

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the school board shall pay all the premiums of the compulsory basic plans and the senior executive shall be exempted from the payment of premiums to her insurance plans as prescribed in the provisions of the master policy;

(2) accumulation of vacation;

(3) accumulation of experience and continuous service for employment stability purposes.

A senior executive may defer annual vacation if it falls within the maternity, paternity or adoption leave and if he or she notifies the school board in writing of the date of such deferral no later than two weeks before the termination of the said leave.

57. During a maternity leave and the extensions prescribed in section 14, a paternity leave prescribed in section 25 or an adoption leave prescribed in section 33, a senior executive shall receive a premium for regional disparities, provided that he or she is normally entitled to it.

58. A school board and a senior executive shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave or a leave without pay.

59. When a senior executive returns from a maternity leave and the extensions prescribed in section 14, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she been at work by applying the employment stability provisions, if need be."

3. Section 25 of Schedule 6 is replaced with the following:

"**25.** Where a senior executive obtains a maternity, paternity or adoption leave during the contract, the sabbatical leave plan shall be interrupted for the duration of the leave and the contract shall be extended accordingly.

Where the maternity, paternity or adoption leave is taken before the sabbatical leave, the senior executive may terminate the contract and paragraph 2 of section 22 of this schedule applies.”.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

2221

M.O., 2012

Order of the Minister of Education, Recreation and Sports dated 11 July 2012

General and Vocational Colleges Act
(R.S.Q., c. C-29)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges was made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor on 21 June 2005 (C.T. 202574) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 18.1 of the General and Vocational Colleges Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges, herewith attached, be made.

MICHELLE COURCHESNE,
Minister of Education, Recreation and Sports

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges*

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing Chapter VIII with the following:

“CHAPTER VIII PARENTAL RIGHTS

DIVISION I GENERAL PROVISIONS

97. For the sole purposes of this chapter, the terms “au cadre” and “le cadre” are used in the French text to expressly designate a male senior staff member and the terms “la cadre” and “à la cadre” are used to expressly designate a female senior staff member.

For the purposes of this chapter, a “spouse” means either of two persons who:

- (1) are married or in a civil union and cohabiting;
- (2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child;
- (3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon dissolution of marriage by divorce or annulment, dissolution or annulment of civil union or, if they are living together in a conjugal relationship, upon a de facto separation for a period exceeding three months.

* The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202574 dated 21 June 2005 (2005, *G.O.* 2, 2449) was amended by the Regulation made by the Minister's Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203752 (2006, *G.O.* 2, 1688), the Regulation made by the Minister's Order dated 16 June 2009 approved by the Conseil du trésor, C.T. 207978 (2009, *G.O.* 2, 2108) and the Regulation made by the Minister's Order dated 6 June 2011 (2011, *G.O.* 2, 1400).