

## Regulation to amend the Regulation respecting the hours of driving and rest of heavy vehicle drivers

Highway Safety Code  
(chapter C-24.2, s. 621, 1st par., subpar. 42)

**1.** The Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) is amended in section 4 by replacing subparagraph 5 of the first paragraph by the following:

“(5) a farm tractor or farm machinery within the meaning of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) and a farm trailer owned by a farmer and having the characteristics provided for in section 2 of the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32);”;

**2.** This Regulation comes into force on 20 November 2016.

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Gouvernement du Québec

### O.C. 387-2016, 11 May 2016

An Act to establish the Administrative Labour Tribunal (chapter T-15.1)

#### Administrative Labour Tribunal — Procedure for the recruiting and selection of persons qualified for appointment as members and for the renewal of their term of office

Regulation respecting the procedure for the recruiting and selection of persons qualified for appointment as members of the Administrative Labour Tribunal and for the renewal of their term of office

WHEREAS, under section 53 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Government establishes by regulation a procedure for the recruiting and selection of persons qualified for appointment as members of the Administrative Labour Tribunal;

WHEREAS, under section 55 of the Act, the Government may by regulation set the validity period of a certificate of qualification;

WHEREAS, under section 56 of the Act, the Government may by regulation determine in which cases, on which conditions and to which extent the members of a selection committee are entitled to be remunerated and determine on which conditions and to which extent they are entitled to the reimbursement of expenses incurred in the exercise of their functions;

WHEREAS, under section 59 of the Act, the Government establishes by regulation a procedure for the renewal of the term of office of the members of the Administrative Labour Tribunal;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published as set out in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and the coming into force on the date of the publication of a regulation must be published with the regulation;

WHEREAS the Government is of the opinion that this Regulation must come into force rapidly to allow, considering the deadlines and the notification period, the renewal in the near future of the term of office of certain members of the Administrative Labour Tribunal, established on 1 January 2016, in order to ensure the efficiency of the Tribunal's activities and the Regulation contains the standards establishing the procedure for the recruiting and the renewal of the term of office of the commissioners of the two commissions merged under the Act to establish the Administrative Labour Tribunal;

WHEREAS it is expedient to make the Regulation respecting the procedure for the recruiting and selection of persons qualified for appointment as members of the Administrative Labour Tribunal and for the renewal of their term of office;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Labour:

THAT the Regulation respecting the procedure for the recruiting and selection of persons qualified for appointment as members of the Administrative Labour Tribunal and for the renewal of their term of office, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting the procedure for the recruiting and selection of persons qualified for appointment as members of the Administrative Labour Tribunal and for the renewal of their term of office**

An Act to establish the Administrative Labour Tribunal (chapter T-15.1, ss. 53, 55, 56 and 59)

### **DIVISION I**

#### **NOTICE OF RECRUITMENT**

**1.** When it is expedient to make up a list of persons declared to be qualified for appointment as members of the Administrative Labour Tribunal, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif publishes a notice of recruitment in a publication circulated or broadcast throughout Québec, inviting interested persons to submit their candidacy for the position of member of the Tribunal.

**2.** The notice gives

- (1) a brief description of the duties of a member;
- (2) the main place where a member could be assigned to mainly perform duties;
- (3) in substance, the selection conditions and criteria prescribed by the Act to establish the Administrative Labour Tribunal (chapter T-15.1) and this Regulation and any qualifications, training and professional experience required for the Tribunal;
- (4) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and
- (5) the deadline and address for submitting a candidacy.

**3.** A copy of the notice is sent to the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) and to the president of the Tribunal.

### **DIVISION II**

#### **CANDIDACY**

**4.** A person who wishes to submit his or her candidacy must forward a résumé and the following information:

- (1) name, address, home telephone number and, if applicable, office address and telephone number;
- (2) date of birth;

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

(4) where applicable, proof that the person has the qualifications mentioned in the notice, when they were acquired and for how many years they were required;

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

(6) any conviction for a penal offence, the nature of the offence concerned and the sentence imposed and whether one can reasonably believe that such offence is likely to question the integrity or impartiality of the Tribunal or of the candidate, to affect the candidate's ability to perform duties or to undermine public trust in the office holder;

(7) where applicable, the names of employers or partners over the past 10 years;

(8) where applicable, whether the person has submitted his or her candidacy for a position of member of the Tribunal in the past 3 years;

(9) a summary of the reasons for the person's interest in performing the duties of member of the Tribunal.

The person must also provide a written statement in which the person agrees to a verification with, in particular, a disciplinary body, any professional order of which the person is or was a member, the person's employers in the last 10 years, police authorities and, where applicable, in which the person agrees that the persons or partnerships mentioned in section 14 may be consulted.

### **DIVISION III**

#### **ESTABLISHMENT 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 establishes a selection committee, designates a chair and appoints to it

(1) the president of the Tribunal or, after consulting the president, another member of the Tribunal;

(2) a representative of the legal community; and

(3) a representative of the groups concerned who is neither an advocate nor a notary.

**6.** A committee member whose impartiality could be questioned must withdraw with respect to a candidate, including in the following situations:

- (1) the member is or was the candidate's spouse;
- (2) the member is related to the candidate by birth, marriage or civil union, to the degree of first cousin inclusively;
- (3) the member is or was a partner, employer or employee of the candidate in the last 10 years; despite the foregoing, a member who is in the public service must withdraw with respect to a candidate only if the member is or was the employee or immediate superior of the candidate.

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

**7.** Before taking office, the members of the committee must take the following oath: "I, (full name), swear 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 is taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère du Travail, de l'Emploi et de la Solidarité sociale empowered to administer oaths.

The writing evidencing the oath must 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 are reimbursed in accordance with the *Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux* (D. 2500-83, 83-11-30), as amended.

In addition to the reimbursement of their expenses, the chair and the committee members who are neither members of the Tribunal nor employees of a government department or body are entitled respectively to fees of \$250 or \$200 per half-day of sitting they attend. If they are retired from the public sector as defined in Schedule III to the Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal, an amount corresponding to half the retirement pension they receive from that sector is deducted from the fees for attending, as chair or member, the committee's sittings.

#### DIVISION IV OPERATION OF THE SELECTION COMMITTEE

**10.** The list of candidates and their records are sent to the chair of the selection committee.

**11.** The committee analyzes the candidates' records and retains 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 candidates.

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

**13.** The committee's report lists the candidates that were turned down, giving the reasons therefor.

#### DIVISION V CONSULTATIONS AND SELECTION CRITERIA

**14.** The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line supervisor of the candidate;

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

**15.** The selection criteria that the committee takes into account in determining a candidate's aptitude are

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

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

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

(4) the candidate's ability to carry out adjudicative functions;

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

(6) the candidate's conception of the duties of a member of the Tribunal.

## DIVISION VI REPORT OF THE SELECTION COMMITTEE

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

**17.** 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 promptly submits a report including

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

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

That report is submitted to the Associate Secretary General and to the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1).

**18.** Wherever possible, the committee declares qualified a number of candidates normally corresponding to at least twice the number of vacant positions.

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

## DIVISION VII REGISTER OF DECLARATIONS OF APTITUDE

**20.** The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif writes to the candidates to inform them that they have been declared qualified or not to be appointed as members of the Tribunal.

**21.** The Associate Secretary General keeps the register of declarations of aptitude up-to-date and enters therein the list of the persons declared qualified to be appointed as members of the Tribunal.

The declaration of aptitude is valid for a period of 3 years from the date it is entered in the register.

The Associate Secretary General strikes out an entry upon the expiry of the validity period of the declaration of aptitude, or where the person is appointed as member of the Tribunal, dies or asks to be withdrawn from the register.

## DIVISION VIII RECOMMENDATION

**22.** Upon being notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif forwards a copy of the updated list of persons declared qualified to be appointed as members to the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1).

**23.** If the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is of the opinion that he or she cannot, considering the list of persons declared qualified to be appointed as members and in the best interest of the proper operation of the Tribunal, recommend an appointment, the Minister then asks the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to have a notice of recruitment published, in accordance with Division I.

The committee in charge of evaluating the qualification of the candidates who submitted their candidacy after the publication of another notice and of reporting to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister may be composed of persons previously designated to sit on a preceding committee.

**24.** The Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) recommends to the Government the name of a person who has been declared qualified to be appointed as member of the Tribunal, after consulting with the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2).

## DIVISION IX RENEWAL OF TERMS OF OFFICE

**25.** In the 12 months before the expiry of a member's term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif asks that member to provide him or her with the information mentioned in subparagraphs 5 and 6 of the first paragraph of section 4 and with a written statement in which the member agrees to a verification with, in particular, a disciplinary body, any professional order of which the member is or was a member and police authorities and, where applicable, in which the member agrees that the persons or partnerships mentioned in section 14 be consulted.

**26.** The Associate Secretary General establishes a committee to examine the renewal of the member's term of office and designates the chair thereof.

The committee is composed of a representative from the legal community, a retired person having exercised an adjudicative function within a body of the administrative branch and a university representative who is a member of a professional order, who neither belong to nor represent the Administration within the meaning of the Public Administration Act (chapter A-6.01).

Sections 6 to 9 then apply.

**27.** The committee determines whether the member still fulfils the criteria set out in section 15, considers the member's annual performance evaluations taking into account the needs of the Tribunal and may hold the consultations provided for in section 14 on any matter in the record.

**28.** Committee decisions are made by a majority vote of its members. In the case of a tie-vote, the chair of the committee has a casting vote. A member may register dissent.

The committee forwards its recommendation to the Associate Secretary General and to the Minister responsible for the administration of the Act to establish the Administrative Labour Tribunal (chapter T-15.1).

**29.** The Associate Secretary General is the agent empowered to notify a member of the non-renewal of a term of office.

#### **DIVISION X** **CONFIDENTIALITY**

**30.** The names of candidates, the reports of selection or renewal committees, the register, the list of candidates declared qualified to be appointed as members of the Tribunal, as well as any information or document related to a consultation or decision by a committee, are confidential.

Despite the foregoing, a member whose term of office is not renewed may consult the recommendation of the renewal committee concerning him or her.

**31.** This Regulation comes into force on 18 May 2016.

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## **M.O., 2016**

### **Order number 2016 004 of the Minister of Health and Social Services dated 28 April 2016**

An Act respecting end-of-life care  
(chapter S-32.0001)

Regulation respecting the conditions for accessing and operating the advance medical directives register

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the Act respecting end-of-life care (chapter S-32.0001), which was assented to on 10 February 2014;

CONSIDERING the first paragraph of section 63 of the Act, which provides that the Minister establishes and maintains an advance medical directives register;

CONSIDERING section 64 of the Act, which provides that the Minister prescribes, by regulation, how the register is to be accessed and operated, including who may record advance medical directives in the register and who may consult it;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the conditions for accessing and operating the advance medical directives register was published in the *Gazette officielle du Québec* of 11 November 2015 with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting the conditions for accessing and operating the advance medical directives register, attached to this Order, is hereby made.

GAÉTAN BARRETTE,  
*Minister of Health and Social Services*

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