

**M.O., 2017****Order number 2017 004 of the Minister of Health and Social Services dated 29 March 2017**

An Act respecting health services and social services (chapter S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services (chapter S-4.2), which provides that the Minister may, by regulation, determine the standards and scales which must be used by agencies, public institutions and private institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to senior and middle management personnel;

CONSIDERING that the Minister made the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1);

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions is hereby made.

GAÉTAN BARRETTE,  
*Minister of Health and  
Social Services*

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**Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions**

An Act respecting health services and social services (chapter S-4.2, s. 487.2)

**1.** The Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1) is amended in section 5 by striking out paragraph 11.

**2.** Section 12 is replaced by the following:

“**12.** The evaluation classes determined in accordance with subdivisions 2, 3 and 4 of Division 2 of this Chapter correspond to the salary classes adjusted as follows:

(1) for the period from 1 April 2016 to 31 March 2017: 1.5%;

(2) for the period from 1 April 2017 to 31 March 2018: 1.75%;

(3) for the period from 1 April 2018 to 31 March 2019: 2.0%.

Those adjusted salary classes are listed in Schedule 1.

For part-time officers, the salary determined in the first paragraph is reduced proportionally to the hours of the position.”

**3.** Sections 12.0.1 to 12.0.3 are replaced by the following:

“**12.0.1.** For the period from 1 April 2015 to 31 March 2016, an officer receives a lump sum corresponding to 1.0% of the salary received

**12.0.2.** For the period from 1 April 2019 to 31 March 2020, an officer receives a lump sum corresponding to 0.5% of the salary received.

**12.0.3.** For the purposes of sections 12.0.1 and 12.0.2, the salary includes benefits for maternity, paternity or adoption leave, benefits for parental leaves, salary insurance benefits including those paid by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, by the Société de l'assurance automobile du Québec and those paid under the Crime Victims Compensation Act (chapter I-6) and those paid by the employer in the case of a work accident, if applicable.”

**4.** Sections 12.0.4 to 12.0.7 are revoked.

**5.** Section 12.1 is replaced by the following:

“**12.1.** For officers referred to in section 8.1, a salary rate corresponding to the evaluation classes determined under section 11.5 is adjusted according to the terms and conditions provided for in section 12, with the necessary modifications.

Those salary rates are listed in Schedule 2.

An officer referred to in section 8.1 receives the lump sums provided for in sections 12.0.1 and 12.0.2.

The salary rate of an officer contemplated in section 8.1 is reduced, when the officer holds a part-time position, proportionally to the time for which his services are engaged by the employer, without such services being less than 20% of full time.”.

**6.** Section 13 is amended

(1) by replacing “12.0.4” in the first paragraph by “12.0.2”;

(2) by inserting the following paragraph after the first paragraph:

“The adjustment on 1 April of each year applies to the salary classes or the salary rates, as the case may be, in force on the previous 31 March.”.

**7.** Division 6.1 of Chapter 3 is revoked.

**8.** Section 29.0.1 is amended by replacing the first and second paragraphs by the following:

“An officer receives an allowance for critical care of 14% of the officer’s salary if the officer directly supervises a coronary unit and the following activity centres:

- (1) emergency room;
- (2) intensive care;
- (3) neonatal unit;
- (4) burn unit.

As of 10 July 2016, an officer who directly supervises an activity centre, medical emergency intervention service of Québec, also receives an allowance for critical care of 14% of the officer’s salary.”.

**9.** The following is inserted after section 29.0.1:

“**29.0.1.1.** An officer who directly supervises the activity centres operating room, obstetrical block and haemodynamics receives, as of 10 July 2016, an allowance for critical care of 7% of the officer’s salary.

That allowance is paid to the officer in the form of a lump sum in proportion to the time worked and according to the procedures of the employer’s pay system. A statutory holiday, a flexible leave, an annual leave and a personal leave are considered to be time worked.”.

**29.0.1.2.** The allowances in sections 29.0.1 and 29.0.1.1 may not be accumulated. An officer who directly supervises at least 2 units or activity centres referred to in sections 29.0.1 and 29.0.1.1 receives the allowance provided for in section 29.0.1.”.

**10.** Section 29.0.3 is amended

(1) by replacing the first paragraph by the following:

“**29.0.3.** An officer working in a locality in the Far North region determined by the Minister receives, for the period from 1 April 2015 to 30 March 2020, an attraction and retention allowance.”;

(2) by striking out “, the period of payment” in the third paragraph.

**11.** Section 29.0.4 is amended

(1) by replacing the first paragraph by the following:

“**29.0.4.** An officer of the psychologist profession, on the roll of the Ordre des psychologues, directly supervising a unit offering services in psychology receives an allowance of

(1) 9.6% for the period from 1 April 2015 to 19 March 2016;

(2) 9.5% for the period from 20 March 2016 to 1 April 2019;

(3) 6.9% for the period from 2 April 2019 to 30 March 2020.”;

(2) by striking out the third paragraph.

**12.** The Regulation is amended by replacing the expression “Human Resources and Skills Development Canada (HRSDC)” wherever it appears in Chapter 4.1 by “Employment and Social Development Canada (ESDC)”.

**13.** Section 76.1 is amended

(1) by replacing the definition of “weekly salary” by the following:

““weekly salary” means the annual salary of an officer divided by 52.18, including the lump sums paid pursuant to sections 17, 20, 21 and sections 104.1 to 104.3, without any additional remuneration.”;

(2) by inserting the following definition in alphabetical order:

““service” means, for the purposes of this Chapter, the service recognized under subparagraph 3 of the first paragraph of section 76.18.”.

**14.** Section 76.6 is replaced by the following:

“**76.6.** The weekly salary, the weekly salary paid under the deferred salary leave plan and the severance payment may not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the Employment Insurance Supplemental Unemployment Benefit Plan.”.

**15.** Section 76.14 is amended

(1) by replacing the first paragraph by the following:

“**76.14.** An officer who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan receives, during the 21 weeks of her maternity leave, an allowance calculated using the following formula:

(1) by adding

(a) the amount representing 100% of the officer’s weekly salary up to \$225; and

(b) the amount representing 88% of the difference between the officer’s weekly salary and the amount established in subparagraph *a*; and

(2) by subtracting from that sum the amount of maternity or parental benefits she receives under the Québec Parental Insurance Plan or would receive after submitting an application for benefits.”;

(2) by replacing “93% of the weekly salary paid by the employer” in the fourth paragraph by “the amount established in subparagraph 1 of the first paragraph”.

**16.** Section 76.15 is amended by replacing the fourth paragraph by the following:

“The total amounts that an officer receives during her maternity leave in benefits under the Québec Parental Insurance Plan, allowance and salary may not exceed the gross amount established in subparagraph 1 of the first paragraph of section 76.14. The formula must be applied to the sum of the weekly salaries received from her employer under section 76.14 or, as the case may be, from her employers.”.

**17.** Section 76.16 is amended

(1) by replacing the first paragraph by the following:

“**76.16.** An officer who has accumulated 20 weeks of service and who is eligible for the Employment Insurance Plan but who is not eligible for the Québec Parental Insurance Plan is entitled to receive, during the 20 weeks of her maternity leave, an allowance calculated as follows:

(1) for each week of the waiting period prescribed under the Employment Insurance Plan, an allowance calculated by adding

(a) the amount representing 100% of the officer’s weekly salary of the officer up to \$225; and

(b) the amount representing 88% of the difference between the officer’s weekly salary and the amount established in subparagraph *a*;

(2) for each week following the weeks mentioned in subparagraph 1, an allowance calculated using the following formula:

(a) by adding

i. the amount representing 100% of the officer’s weekly salary up to \$225; and

ii. the amount representing 88% of the difference between the officer’s weekly salary and the amount established in subparagraph *i*; and

(b) by subtracting from that sum the amount of maternity or parental benefits she receives under the Employment Insurance Plan or would receive after submitting an application for benefits.”;

(2) by replacing the fourth paragraph by the following:

“An officer who works for more than one employer shall receive an allowance from each of her employers. In such a case, the allowance is equal to the difference between the amount in subparagraph *a* of subparagraph 2 of paragraph B of the first paragraph and the amount of the Employment Insurance Plan that represents the weekly salary that it pays proportionate to the weekly salaries paid by all the employers. For that purpose, the officer shall submit to each of her employers a statement of the weekly salary paid by each employer, together with the amount of the benefits payable to her under the Employment Insurance Act (S.C. 1996, c. 23).”;

(3) by replacing “this paragraph” in the fifth paragraph by “subparagraph 2 of the first paragraph”.

**18.** Section 76.17 is amended

(1) by replacing the second and third paragraphs by the following:

“However, an officer who has accumulated 20 weeks of service, as defined in subparagraph 3 of the first paragraph of section 76.18, is entitled to an allowance calculated using the following formula, for 12 weeks, if she does not receive benefits under a parental rights plan established by another province or a territory:

by adding

i. the amount representing 100% of the officer’s weekly salary up to \$225; and

ii. the amount representing 88% of the difference between the officer’s weekly salary and the amount established in subparagraph 1.”;

(2) by replacing the fourth paragraph by the following:

“The fourth paragraph of section 76.15 applies with the necessary modifications.”.

**19.** Section 76.18 is amended by replacing “Ministry of Employment and Social Solidarity” in subparagraph 2 of the first paragraph by “Ministère du Travail, de l’Emploi et de la Solidarité sociale”.

**20.** Section 76.26 is amended

(1) by replacing “Commission de la santé et de la sécurité du travail” and “Commission” in the sixth paragraph by “Commission des normes, de l’équité, de la santé et de la sécurité du travail (CNESST)” and “CNESST”, respectively;

(2) by adding the following paragraph after the sixth paragraph;

“However, should the officer exercise her right to apply for review of the decision of the CNESST or to contest that decision before the Administrative Labour Tribunal, repayment may not be demanded before the administrative review of the decision of the CNESST or, as the case may be, before the decision of the Administrative Labour Tribunal is rendered.”.

**21.** Section 76.31 is amended

(1) in the first paragraph:

(a) by inserting “, who has completed 20 weeks of service,” after “officer”;

(b) by striking out “basic”;

(2) by replacing “subparagraphs of paragraph 2” in the second paragraph by “paragraphs”.

**22.** Section 76.32 is amended by striking out “basic”.

**23.** Section 76.33 is replaced by the following:

“**76.33.** Section 76.18 applies to an officer who receives the allowances provided for in sections 76.31 and 76.32, with the necessary modifications.”.

**24.** Section 76.38 is amended by adding the following paragraph after the second paragraph:

“At the end of the paternity leave, the officer shall resume his position with his employer, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment, including the salary, shall be the same as those to which the officer would have been entitled had he remained at work.”.

**25.** Section 76.46 is amended

(1) by inserting “, who has completed 20 weeks of service,” in the first paragraph after “officer”;

(2) by striking out “of paragraph 2” in the second paragraph.

**26.** Section 76.47 is amended by adding “, if the officer has completed 20 weeks of service” after “weekly salary”.

**27.** Section 76.49 is amended by adding the following paragraph after the second paragraph:

“At the end of the adoption leave, the officer shall resume his or her position with the employer, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment, including the salary, shall be the same as those to which the officer would have been entitled had the officer remained at work.”.

**28.** Section 76.56 is amended by replacing “appliquée” in the French text of the seventh paragraph by “appliquent”.

**29.** Section 76.61 is amended by adding “, or by reason of the state of health of the officer’s spouse, father, mother, a brother, a sister or one of the officer’s grandparents” at the end of the first paragraph.

**30.** The following is added after section 136:

“**137.** An officer who benefits from the provisions in Chapter 4.1 before (*insert the date of coming into force of the regulation introducing this section*) continues to benefit from the provisions in Chapter 4.1 in force on (*insert the date preceding the date of coming into force of the regulation introducing this section*).”.

**31.** This Regulation comes into force on the date on which it is made by the Minister.

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## M.O., 2017

### Order number 2017 005 of the Minister of Health and Social Services dated 29 March 2017

An Act respecting health services and social services (chapter S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services (chapter S-4.2), which provides in particular that the Minister may, by regulation, determine the standards and scales which must be used by agencies, public institutions and institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to senior administrators;

CONSIDERING that the Minister made the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2);

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions is hereby made.

GAÉTAN BARRETTE,  
*Minister of Health and  
Social Services*

## Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions

An Act respecting health services and social services (chapter S-4.2, s. 487.2)

**1.** The Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2) is amended by replacing section 28 by the following:

“**28.** The evaluation classes determined in accordance with subdivision 1 of Division 2 of this Chapter correspond to the salary classes adjusted as follows:

(1) for the period from 1 April 2016 to 31 March 2017: 1.5%;

(2) for the period from 1 April 2017 to 31 March 2018: 1.75%;