

“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.

102917

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%;

(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 senior administrators, the salary determined in the first paragraph is reduced proportionally to the hours of the position.”

2. The following is added after section 28:

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

28.2. For the period from 1 April 2019 to 31 March 2020, the senior administrator receives a lump sum corresponding to 0.5% of the salary received.

28.3. For the purposes of sections 28.1 and 28.2, the salary includes the 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.”

3. Section 29 is amended by adding the following paragraph at the end:

“The adjustment of 1 April of each year applies to the salary classes in force on the previous 31 March.”

4. Division 6.1 of Chapter 3 is revoked.

5. 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)”.

6. Section 87.1 is amended

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

““weekly salary” means the annual salary of a senior administrator divided by 52.18, including the lump sums paid pursuant to sections 33, 36, 37 and the last paragraph of section 106.1, without any additional remuneration.”

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

““service” means, for the purposes of this Chapter, the service of a senior administrator recognized under subparagraph 3 of the first paragraph of section 87.18.”

7. Section 87.6 is replaced by the following:

“**87.6.** 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.”

8. Section 87.14 is amended

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

“**87.14.** A senior administrator 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 senior administrator’s weekly salary up to \$225; and

(b) the amount representing 88% of the difference between the senior administrator’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 from 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”.

9. Section 87.15 is amended by replacing the fourth paragraph by the following:

“The total amounts that a senior administrator 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 87.14. The formula must be applied to the sum of the weekly salaries received from her employer under section 87.14 or, as the case may be, from her employers.”

10. Section 87.16 is amended

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

“**87.16.** A senior administrator 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 senior administrator’s weekly salary up to \$225; and

(b) the amount representing 88% of the difference between the senior administrator’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 senior administrator’s weekly salary up to \$225; and

ii. the amount representing 88% of the difference between the senior administrator’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:

“A senior administrator 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 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 senior administrator 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”.

11. Section 87.17 is amended

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

“However, a senior administrator who has accumulated 20 weeks of service, as defined in subparagraph 3 of the first paragraph of section 87.18, 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

(1) the amount representing 100% of the senior administrator’s weekly salary up to \$225; and

(2) the amount representing 88% of the difference between the senior administrator’s weekly salary and the amount established in subparagraph 1.”;

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

“The fourth paragraph of section 87.15 applies with the necessary modifications.”.

12. Section 87.18 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”.

13. Section 87.26 is amended

(1) by replacing “Commission de la santé et de la sécurité du travail (CSST)” 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 senior administrator 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.”.

14. Section 87.31 is amended

(1) in the first paragraph

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

(b) by striking out “basic”;

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

15. Section 87.32 is amended by striking out “basic”.

16. Section 87.33 is replaced by the following:

“**87.33.** Section 87.18 applies to a senior administrator who receives the allowances provided for in sections 87.31 and 87.32, with the necessary modifications.”

17. Section 87.38 is amended

(1) by replacing “cadre” in the second paragraph of the French text by “hors-cadre”;

(2) by adding the following paragraph after the second paragraph:

“At the end of the paternity leave, the senior administrator 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 senior administrator would have been entitled had he remained at work.”

18. Section 87.46 is amended

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

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

19. Section 87.47 is amended by adding “, if the senior administrator has completed 20 weeks of service” after “weekly salary”.

20. Section 87.48 is replaced by the following:

“**87.48.** Section 87.18 applies to a senior administrator receiving allowances under sections 87.46 and 87.47, with the necessary modifications.”

21. Section 87.49 is amended by adding the following paragraph after the second paragraph:

“At the end of the adoption leave, the senior administrator 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 senior administrator would have been entitled had the senior administrator remained at work.”

22. Section 87.56 is amended by replacing “applique” in the seventh paragraph of the French text by “appliquent”.

23. Section 87.61 is amended by adding “, or by reason of the state of health of the senior administrator’s spouse, father, mother, a brother, a sister or one of the senior administrator’s grandparents” at the end of the first paragraph.

24. The following is added after section 164:

“**165.** A senior administrator who benefits from the provisions provided for in Chapter 4.1 before (*insert the date of coming into force of the regulation introducing this section*) continues to benefit from the provisions of Chapter 4.1 in force on (*insert the date preceding the date of coming into force of the regulation introducing this section*).”

25. The table in Schedule 1 is replaced by the following:

CLASS	31 MARCH 2015 (1%)		1 APRIL 2016 (1.5%)		1 APRIL 2017 (1.75%)		1 APRIL 2018 (2%)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
HC-01	\$67,082	\$92,311	\$68,088	\$93,696	\$69,280	\$95,336	\$70,666	\$97,243
HC-02	\$75,169	\$103,440	\$76,297	\$104,992	\$77,632	\$106,829	\$79,185	\$108,966
HC-03	\$84,230	\$115,911	\$85,493	\$117,650	\$86,989	\$119,709	\$88,729	\$122,103
HC-04	\$92,356	\$127,095	\$93,741	\$129,001	\$95,381	\$131,259	\$97,289	\$133,884
HC-05	\$103,488	\$142,418	\$105,040	\$144,554	\$106,878	\$147,084	\$109,016	\$150,026
HC-06	\$115,966	\$159,585	\$117,705	\$161,979	\$119,765	\$164,814	\$122,160	\$168,110
HC-07	\$128,354	\$176,627	\$130,279	\$179,276	\$132,559	\$182,413	\$135,210	\$186,061
HC-08	\$139,290	\$191,644	\$141,379	\$194,519	\$143,853	\$197,923	\$146,730	\$201,881
HC-09	\$147,678	\$203,203	\$149,893	\$206,251	\$152,516	\$209,860	\$155,566	\$214,057
HC-10	\$156,598	\$215,480	\$158,947	\$218,712	\$161,729	\$222,539	\$164,964	\$226,990

26. The table in Schedule 3 is replaced by the following:

CLASS	31 MARCH 2015 (1%)		1 APRIL 2016 (1.5%)		1 APRIL 2017 (1.75%)		1 APRIL 2018 (2%)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
DGA-1	\$158,462	\$206,000	\$160,839	\$209,090	\$163,654	\$212,749	\$166,927	\$217,004
DGA-2	\$146,724	\$190,741	\$148,925	\$193,602	\$151,531	\$196,990	\$154,562	\$200,930
DGA-3	\$135,855	\$176,612	\$137,893	\$179,261	\$140,306	\$182,398	\$143,112	\$186,046
DGA-4	\$125,792	\$163,529	\$127,679	\$165,982	\$129,913	\$168,887	\$132,511	\$172,265
DGA-5	\$116,474	\$151,416	\$118,221	\$153,687	\$120,290	\$156,377	\$122,696	\$159,505

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