

Draft Regulation

An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector (chapter R-8.3)

Remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation sets out the conditions for the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector, and the processing of claims for expenses incurred by arbitrators with the parties.

Further information may be obtained by contacting Bernard Guay, Direction générale de la fiscalité et de l'évaluation foncière, Ministère des Affaires municipales et de l'Occupation du territoire, 10, rue Pierre-Olivier-Chauveau, 5^e étage, La Tour, Québec (Québec) G1R 4J3; telephone: 418 691-2035; email: bernard.guay@mamot.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to the Minister of Municipal Affairs and Land Occupancy, 10, rue Pierre-Olivier-Chauveau, 4^e étage, Québec (Québec) G1R 4J3.

MARTIN COITEUX,
*Minister of Municipal Affairs
and Land Occupancy*

Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector

An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector (chapter R-8.3, ss. 34 and 47)

1. This Regulation applies to members of a dispute settlement board and to disputes arbitrators appointed under sections 10 and 45 of the Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector (chapter R-8.3).

2. In the case of a dispute settlement board, each member is entitled to fees as if the member was the sole arbitrator in the case.

3. A member of a dispute settlement board or a disputes arbitrator is entitled to fees of \$180 for each hour of arbitration hearing and, subject to section 4, for each hour of deliberation and the drafting of decisions.

The total number of hours granted for the drafting of decisions of a dispute settlement board must be apportioned among the three members as indicated by them.

A member of a dispute settlement board or a disputes arbitrator is entitled, for each day of hearing, to a minimum remuneration equivalent to 3 hours of fees at the rate set by the first paragraph.

4. A member of a dispute settlement board or a disputes arbitrator is entitled to fees at the rate set by section 3 up to a maximum of 14 hours for 1 day of hearing, 22 hours for 2 days of hearing, 27 hours for 3 days of hearing and, where there are 4 days of hearing or more, 27 hours for the first 3 days and 3 hours for each subsequent day.

The member or the arbitrator is entitled to fees at the rate set by section 3 up to a maximum of 14 hours if no arbitration hearing is held.

5. For all expenses related to arbitration, namely fees for opening files, telephone calls, correspondence and the drafting and filing of duplicates or copies of the arbitration award, a disputes arbitrator is entitled to 1 hour of fees at the rate set by section 3 and the chair of a dispute settlement board is entitled to 3 hours of fees at the rate set by section 3.

6. The transportation costs and meal and accommodation expenses, and other travel costs of a member of a dispute settlement board or a disputes arbitrator are reimbursed according to the *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics*.

7. A member of a dispute settlement board or a disputes arbitrator is entitled to a travel allowance when performing duties outside an 80-kilometre radius from the office.

The amount of the allowance corresponds to the amount obtained by multiplying the rate of \$115 by the number of hours required for a round trip using the fastest means of transportation.

8. When a case is fully settled more than 30 days before the hearing date, a member of a dispute settlement board or a disputes arbitrator is entitled to 1 hour of fees at the rate set by section 3 as indemnity.

When a case is fully settled or postponed at the request of a party 30 days or less before the date of the hearing, a member of a dispute settlement board or a disputes arbitrator is entitled to 3 hours of fees at the rate set by section 3, but is not entitled to related expenses.

9. The chair of a dispute settlement board or a disputes arbitrator is entitled to reimbursement of the actual costs incurred in renting a room for a hearing.

10. A member of a dispute settlement board or a disputes arbitrator may not claim any fees, expenses, allowances and indemnities other than those set by this Regulation.

11. Unless otherwise provided for in this Regulation, the parties assume jointly and equally payment of the fees, expenses, allowances and indemnities of a member of a dispute settlement board or a disputes arbitrator.

12. A member of a dispute settlement board or a disputes arbitrator must submit a detailed account of fees, making it possible to verify the validity of the fees, expenses, allowances or indemnities claimed per day.

Those accounts are sent to the parties by the disputes arbitrator or the chair of the board in the case of a dispute settlement board.

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.