

that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.

However, an employee may not take advantage of the provisions if it may be inferred from the circumstances that the employee or, in the case of paragraph 4 of section 8.15, the deceased person was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

Section 8.14 and paragraph 4 of section 8.15 apply if the injury or death occurs in one of the situations described in section 8.07.2.

A period of absence under sections 8.14 and 8.15 must not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and must not end later than 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.

If, during the same 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, the maximum period of absence for those two events may not exceed 104 weeks from the date of the first event.

8.15.2. Sections 8.08 to 8.12 apply to the periods of absence provided for in sections 8.13, 8.14 and 8.15, with the necessary modifications.

The entitlement provided for in the fifth paragraph of section 8.06 applies in the same manner to absences authorized under section 8.07. However, the employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in those sections.”

14. Section 9.02 is amended by replacing the first paragraph by the following:

“Wages must be paid in cash in a sealed envelope, by cheque or by bank transfer by Thursday at the latest.”

15. Section 9.13 is amended by replacing “to other” by “to his other” and “for the sole reason that the employee” by “solely because of the employee’s employment status, and in particular because the employee”.

16. Section 14.01 is amended by replacing “23 May 2016” by “17 April 2023”.

17. This Decree comes into force on the day of its publication in the Gazette officielle du Québec.

104855

Gouvernement du Québec

O.C. 76-2021, 27 January 2021

Code of Civil Procedure
(chapter C-25.01)

Family mediation pilot project for couples who have no common dependent children

Regulation respecting a family mediation pilot project for couples who have no common dependent children

WHEREAS, under the third paragraph of article 619 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may determine what services are payable by the Family Mediation Service, set the tariff of professional fees the Service may pay certified family mediators and determine the time limit and procedure for claiming such professional fees and the applicable terms of payment, and, in addition, it may determine the tariff of professional fees the parties may be charged for services not covered by the Family Mediation Service or for services provided by a mediator designated by the Service or by more than one mediator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting a family mediation pilot project for couples who have no common dependent children was published in Part 2 of the *Gazette officielle du Québec* of 22 October 2020 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting a family mediation pilot project for couples who have no common dependent children, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting a Family Mediation pilot project for couples who have no common dependent children

Code of Civil Procedure
(chapter C-25.01, art. 619)

1. The Family Mediation Service (the Service) is available to couples who have no common dependent children for the partition of patrimonial rights arising from their community of life, on the conditions set forth in this Regulation.

2. The fees payable by the Service for the family mediation services so provided are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

3. The Service pays the fees provided for in section 2 up to a total of 3 hours of mediation, including any time spent on work performed outside the sessions in connection with the mediation.

The Service does not pay the fees for the modification of an agreement or for having a judgment rendered on the principal application reviewed.

4. The fees payable by the parties resorting to the mediation are set on the basis of

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to section 3; and

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties and for any work performed by the mediator outside the sessions in connection with the mediation.

5. For the purposes of this Regulation, where the Code of Civil Procedure (chapter C-25.01) provides that the mediator is to file a report with or send a report to the Service, the report must be accompanied by a bill signed by the parties attesting to the number of hours and mediation services they received, as applicable.

The mediator must file the report referred to in article 617 of the Code of Civil Procedure with the Service not later than 12 months after the last mediation session, whether that session suspends or ends the mediation.

The Service will pay the fees to the mediator only if the documents are filed or sent within the prescribed time.

6. Divisions I and II of the Regulation respecting family mediation (chapter C-25.01, r. 0.7) apply to this Regulation, with the necessary modifications.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on 30 June 2022.

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