

Regulations and other Acts

Gouvernement du Québec

O.C. 734-2021, 26 May 2021

Amendment to the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec entrusted to the Régie de l'assurance maladie du Québec by Order in Council 1402-2020 dated 16 December 2020

WHEREAS, in accordance with paragraph *h* of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister of Health and Social Services must promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Régie de l'assurance maladie du Québec is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS, under the fifteenth paragraph of section 3 of the Health Insurance Act, the Board assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the conditions and methods provided for under those programs;

WHEREAS, under the first paragraph of section 2.1 of the Act respecting the Régie de l'assurance maladie du Québec, the Board recovers, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS, by Order in Council 1402-2020 dated 16 December 2020, the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec was entrusted to the Régie de l'assurance maladie du Québec;

WHEREAS the program provides in particular in the section on the eligibility criteria to financial assistance that the person received between 1 October 2018 and 31 December 2020 surgical services for the radical removal of a midurethral sling in a hospital located outside Québec;

WHEREAS it is expedient to extend that period to 28 February 2021;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec entrusted to the Régie de l'assurance maladie du Québec by Order in Council 1402-2020 dated 16 December 2020 be amended by replacing paragraph 2 of section 3 by the following:

“(2) the person received between 1 October 2018 and 28 February 2021 surgical services for the radical removal of a midurethral sling in a hospital located outside Québec.”.

YVES OUELLET
Clerk of the Conseil exécutif

105071

Gouvernement du Québec

O.C. 739-2021, 26 May 2021

Act respecting collective agreement decrees
(chapter D-2)

Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines
— Amendment

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions was published in Part 2 of the *Gazette officielle du Québec* of 17 February 2021 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6) is amended in section 1.01

(1) by replacing “machinist, electrician, welder, radiator specialist, wheel aligner and automatic transmission specialist” in paragraph 5 by “welder and wheel aligner”;

(2) by inserting the following after paragraph 11:

“(11.1) “relative”: the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well as those persons’ spouses, their children and their children’s spouses. The following are also considered to be an employee’s relative for the purposes of this Decree:

(a) a person having acted, or acting, as a foster family for the employee or the employee’s spouse;

(b) a child for whom the employee or the employee’s spouse has acted, or is acting, as a foster family;

(c) a tutor or curator of the employee or the employee’s spouse or a person under the tutorship or curatorship of the employee or the employee’s spouse;

(d) an incapable person having designated the employee or the employee’s spouse as mandatary;

(e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person’s state of health;”.

2. Section 1.02 is amended by replacing “Le Syndicat national des employés de l’automobile de la région de Victoriaville (CSN)” in paragraph 2 by “Syndicat du secteur automobile du Centre du Québec (CSN)”.

3. Section 3.02.1 is amended

(1) by replacing “4” in paragraph 1 by “2”;

(2) by replacing “if the employee’s” in paragraph 2 by “if those”;

(3) by adding the following at the end:

“(4) if the employee was not informed at least 5 days in advance that the employee would be required to work, unless the nature of the duties requires the employee to remain available or that the employee’s services are required within the limits set out in paragraphs 1 and 2.”.

4. Section 4.01 is amended by adding the following paragraph at the end:

“Hours worked on a day other than a day in the standard workweek described in section 3.01 entail a premium of 50% of the hourly wage currently paid to the employee.”.

5. Section 7.04 is amended by replacing “5” in the first paragraph by “3”.

6. Section 7.05 is amended by replacing “15” in the first paragraph by “10”.

7. Section 7.13 is amended by replacing “to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week” by “to the employer’s other employees performing the same tasks in the same establishment solely because of the employee’s employment status, and in particular because the employee usually works less hours each week”.

8. Section 8.05 is amended

(1) by striking out “if the employee is credited with 60 days of uninterrupted service” at the end of the first paragraph;

(2) by striking out the fourth paragraph.

9. Section 8.06 is amended

(1) in the first paragraph

(a) by striking out “, without pay,”;

(b) by replacing “the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)”;

(2) by adding the following paragraph at the end:

“If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.”.

10. Section 8.07 is amended

(1) by striking out paragraphs 1 and 2;

(2) by inserting the following after paragraph 4:

“(4.1) if the employee’s minor child dies;”;

(3) by replacing “if the employee’s spouse or child” in paragraph 5 by “if the employee’s spouse, father, mother or child of full age”;

(4) by inserting “of full age” after “child” in paragraph 6.

11. The following is inserted after section 8.08:

8.09. An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee’s regular position. In that case, the period of absence begins on the date on which the criminal offence was committed or, where applicable, at the expiry of the period provided for in the first paragraph, and ends not later than 104 weeks after the commission of the criminal offence.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

8.10. For the purposes of sections 8.06 and 8.09, the first 2 days taken annually are remunerated according to the calculation formula described in section 6.03, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously.

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 any of the reasons referred to in sections 8.06 and 8.09.

8.11. An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee must stay with a relative

or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, ending not later than 104 weeks after the absence began.

An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee must stay with a relative, other than the employee's minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate.

8.12. In the cases referred to in sections 8.09 and 8.11, the employee must notify the employer as soon as possible of a period of absence from work, giving the reasons for it. The employer may request that the employee provide a document attesting to those reasons if it is warranted by the duration of the absence or its repetitive nature, for instance.

During a period of absence under the second paragraph of section 8.09, the employee may return to work intermittently or on a part-time basis if the employer consents to it.”

12. Section 9.02 is amended by replacing “or by cheque by Thursday at the latest. The payment may be made by bank transfer if so provided in a written agreement” in the first paragraph by “, by cheque, or by bank transfer, by Thursday at the latest”.

13. Section 11.07 is amended

(1) by replacing “1 apprentice for every 2 journeymen” in the first paragraph by “2 apprentices for every journeyman”;

(2) by striking out the second paragraph.

14. Section 11.09 is replaced by the following:

“No new apprentice shall be accepted unless he is at least 16 years of age.”

15. Section 12.02 is amended by adding the following paragraph:

“In addition, as of 24 June 2021, the parity committee ceases to issue cards as a machinist, electrician, radiator specialist and automatic transmission specialist. For the holders of cards issued before that date, the employee's advancement in step is maintained.”

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

105072

Gouvernement du Québec

O.C. 756-2021, 2 June 2021

Education Act
(chapter I-13.3)

Computation of the amount for financing the local needs of school service centres for the 2021-2022 school year

Computation of the amount for financing the local needs of school service centres for the 2021-2022 school year

WHEREAS, under the first paragraph of section 455.1 of the Education Act (chapter I-13.3), the Government must, by regulation, prescribe the method for computing the amount referred to in section 303.4 of the Act for financing local needs for a school service centre and the method must make it possible to determine basic financing and financing that takes the number of students into account;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published in accordance with section 8 of that Act if the authority making it is of the opinion that the fiscal nature of the norms it establishes, amends or repeals so warrants;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

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 fiscal nature of the norms it establishes, amends or repeals so warrants, and the reason justifying such coming into force must be published with the regulation;