

Draft Regulation

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 — Modification

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend 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 object of the draft Regulation is to change some of the conditions for the remuneration of the members of a dispute settlement board and disputes arbitrators in the municipal sector.

Further information on the draft Regulation may be obtained by contacting Nicolas Bouchard, Direction de la fiscalité et des relations de travail municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre Olivier Chauveau, La Tour, 5^e étage, Québec (Québec) G1R 4J3, telephone: 418 691 2015, extension 83817; email: nicolas.bouchard@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nicolas Bouchard using the contact information above.

ANDRÉE LAFOREST
Minister of Municipal Affairs and Housing

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

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. The Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector (chapter R-8.3, r. 2) is amended, in the first paragraph of section 2,

- (1) by replacing “180” by “240”;
- (2) by replacing “205” by “265”.

2. The following is inserted after section 2:

“**2.1.** Each member of a dispute settlement board or disputes arbitrator is entitled to fees at the rates set in section 2 for each hour of a preparatory conference held with the parties.

“**2.2.** Each member of a dispute settlement board is also entitled to a maximum of 1 hour of fees at the rates set in section 2 for the joint planning of each arbitration hearing held.”

3. Sections 4 and 5 are replaced by the following:

“**4.** Where disputes arbitration requires prior disposal of issues on elements other than work and remuneration conditions that are the subject of the dispute, the chair of a dispute settlement board or a disputes arbitrator is entitled to an additional maximum number of 25 hours of fees, and the other members of a dispute settlement board are entitled to an additional maximum number of 5 hours of fees, at the rates set in section 2.

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 member of a dispute settlement board or disputes arbitrator is entitled, at the rates set in section 2, to fees determined as follows:

- (1) the chair of a dispute settlement board is entitled to 3 hours of fees;
- (2) the other members of a dispute settlement board are entitled to 1 hour of fees;
- (3) a disputes arbitrator is entitled to 1.5 hours of fees.”

4. Section 6 is amended by replacing “according to the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics (C.T. 212379, 2013-03-26 amended by C.T. 214163, 2014-09-30)” by “according to the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics made by the Conseil du trésor on 26 March 2013, as subsequently amended”.

5. Section 7 is amended by replacing “115” in the second paragraph by “135”.

6. Section 8 is replaced by the following:

“**8.** When a case is fully settled or postponed at the request of a party, each member of a dispute settlement board or a disputes arbitrator is entitled, as an indemnity and at the rates set in section 2, to fees determined as follows:

(1) 1 hour of fees if the settlement or postponement occurs between 45 and 31 days before the date of the arbitration hearing;

(2) 3 hours of fees if the settlement or postponement occurs between 30 and 11 days before the date of the arbitration hearing;

(3) 5 hours of fees if the settlement or postponement occurs 10 or fewer days before the date of the arbitration hearing.”.

7. The following is inserted after section 9:

“**9.** The fees provided for in section 2, as well as the travel allowance provided for in section 7, are adjusted on 1 January of each year by a rate corresponding to the annual change in the average all-items Consumer Price Index for Québec without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 30 September of the year preceding that for which the fees and travel allowance must be adjusted.

Such fees and travel allowance, so adjusted, are decreased to the nearest dollar if they include a dollar fraction under \$0.50; they are increased to the nearest dollar if they include a dollar fraction equal to or over \$0.50.

The Minister responsible for municipal affairs informs the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.”.

8. This Regulation applies to disputes submitted to a dispute settlement board or disputes arbitrator whose activities commence on or after the date of coming into force of this Regulation.

9. Section 9.1 of the Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector, enacted by section 7 of this Regulation, applies from 1 January 2023.

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

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