



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 7
(2019, chapter 8)

**An Act respecting certain terms of
employment applicable to officers of
the health and social services
network**

**Introduced 26 February 2019
Passed in principle 11 April 2019
Passed 30 May 2019
Assented to 31 May 2019**

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EXPLANATORY NOTES

This Act clarifies the legislator's intention regarding the application and effects of certain sections of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies.

First, the Act confirms that the above Act does not limit the capacity of the Minister of Health and Social Services to use the regulatory power under section 487.2 of the Act respecting health services and social services.

Second, the Act allows the Minister to amend, retroactively to 23 March 2015, the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, in particular as concerns employment stability measures, the end-of-engagement indemnity and pre-retirement leave.

Under the Act, sections 135 and 136 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies will be repealed on the date the regulation is made. However, until they are repealed, they will apply to officers whose position was eliminated on 31 March 2015 under section 189 of that Act or following any other reorganization resulting from the application of that Act.

Lastly, the Act states its declaratory nature and specifies that it has effect despite any judicial decision or decision of a body of the administrative branch rendered before the date the ministerial regulation is made.

LEGISLATION AMENDED BY THIS ACT:

- Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2).

Bill 7

AN ACT RESPECTING CERTAIN TERMS OF EMPLOYMENT APPLICABLE TO OFFICERS OF THE HEALTH AND SOCIAL SERVICES NETWORK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) does not restrict the power of the Minister to make a regulation under section 487.2 of the Act respecting health services and social services (chapter S-4.2).

The first regulation made under section 487.2 of that Act after 31 May 2019 may, if it so provides, apply from any date not prior to 23 March 2015 but only to the extent that it concerns a matter provided for in the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, made by Ministerial Order 2015-003 (2015, G.O. 2, 456), in particular employment stability measures, the end-of-engagement indemnity and pre-retirement leave. The regulation applies to all officers, including those whose position has been eliminated since the effective date of the regulation. It must be made before 31 May 2020.

2. Sections 135 and 136 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies are repealed on the date the regulation referred to in the second paragraph of section 1 is made.

Until they are repealed, sections 135 and 136 of that Act apply to officers of the health and social services network whose position was eliminated on 31 March 2015 under section 189 of that Act or following any other reorganization resulting from the application of that Act.

3. The provisions of this Act are declaratory. Moreover, they are applicable despite any judicial decision or decision of a body of the administrative branch, whether exercising an adjudicative function or not, rendered before the date the regulation referred to in the second paragraph of section 1 is made.

4. This Act comes into force on 31 May 2019.

