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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-THIRD LEGISLATURE

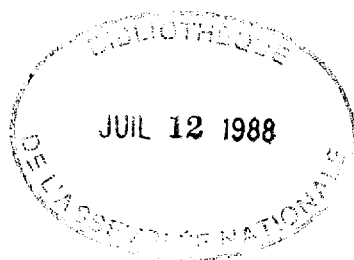
Bill 46

**An Act to amend the Act to ensure  
that essential services are maintained  
in the health and social services  
sector**

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**Introduction**

**Introduced by  
Mr Robert Dutil  
Minister for Family, Health and Social Services**



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**Québec Official Publisher  
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#### EXPLANATORY NOTE

*The object of this bill is to make every person who operates an ambulance service anywhere in Québec and the employees of such a person subject to the provisions of the Act to ensure that essential services are maintained in the health and social services sector (1986, chapter 74).*

## Bill 46

### **An Act to amend the Act to ensure that essential services are maintained in the health and social services sector**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act to ensure that essential services are maintained in the health and social services sector (1986, chapter 74) is amended by adding the following paragraph:

“It applies, in addition, to every operator of an ambulance service holding a permit issued pursuant to Division VI of the Public Health Protection Act (R.S.Q., chapter P-35) and to every association of employees certified to represent employees of such an operator, to the employees represented by such an association and to every group of which such an association of employees becomes a member, to which it belongs, with which it is affiliated or to which it is bound by contract.”

**2.** Section 2 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“In the case of an employee of an operator of an ambulance service, the obligation imposed by this section applies from 12:01 a.m. on 23 June 1988.

This section does not apply to an employee whose work stoppage is part of a strike held in conformity with the Labour Code (R.S.Q., chapter C-27).”

**3.** Section 3 of the said Act is amended by adding the following paragraph:

“The same obligation applies, from 12:01 a.m. on 23 June 1988, to the operator of an ambulance service.”

**4.** Section 8 of the said Act is amended by replacing the words “a service in an establishment or a regional council” in the second and third lines by the words “services from an establishment, a regional council or the operator of an ambulance service”.

**5.** Section 9 of the said Act is amended

(1) by replacing the words “or a regional council or in a category of establishments or regional councils” in the first and second lines of the first paragraph by the words “, a regional council or an ambulance service or in a category of establishments, regional councils or operators of ambulance services”;

(2) by inserting the words “in the case of an establishment, essential services as provided” after the word “none,” in the fifth line of the first paragraph.

**6.** Section 10 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) of \$5 000 to \$25 000 in the case of a person who is an officer, employee or representative of an association of employees or of a group of associations of employees or is the operator of an ambulance service or an officer or representative of an establishment, a regional council or an operator of an ambulance service or of a group of establishments, regional councils or operators of ambulance services;”.

**7.** Section 18 of the said Act is amended

(1) by inserting the words “or regional council” after the word “establishment” in the first line of the second paragraph;

(2) by inserting the words “, in the case of an establishment” after the word “none” in the fifth line of the second paragraph;

(3) by adding, after the second paragraph, the following paragraph:

“Every operator of an ambulance service shall also cease to withhold the amounts or assessments referred to in this section where the regional council of the territory in which he carries on his activities establishes that the association of employees has declared or carried on a strike

in contravention of section 4 or where the number of complying employees is insufficient to provide essential services as provided in a list or in an agreement and the regional council so notifies the operator in writing.”

**8.** Section 19 of the said Act is amended

(1) by replacing the word “establishment” in the third line by the word “employer”;

(2) by inserting the words “, in the case of an establishment” after the word “none” in the sixth line;

(3) by adding the following paragraph:

“In the case of an operator of an ambulance service, the regional council of the territory in which the operator carries on his activities shall confirm the duration of any work stoppage and notify him in writing accordingly.”

**9.** Section 20 of the said Act is amended

(1) by replacing the words “employer who” in the first line of the third paragraph by the words “establishment or regional council which” and the word “He” in the third line of the same paragraph by the word “It”;

(2) by adding, at the end of the third paragraph, the following: “Every operator of an ambulance service shall also make such deductions where the regional council of the territory in which he carries on his activities confirms that an offence under section 2 has been committed and the duration of such an offence, and notifies him in writing accordingly.”

**10.** Section 23 of the said Act is amended

(1) by replacing the word “establishment” in the first line of the third paragraph by the word “employer”;

(2) by replacing the words “or a regional council” in the third line of the sixth paragraph by the words “, a regional council or an ambulance service”.

**11.** Section 25 of the said Act is amended by replacing the words “or a regional council” in the third line by the words “, a regional council or the operator of an ambulance service”.

**12.** This Act comes into force on *(insert here the date of assent to this Act)*.