



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 34

**An Act respecting the transfer
of the powers and functions of
the Office des ressources
humaines**

Introduction

**Introduced by
Mr Jacques Léonard
Minister for Administration and the Public Service and
Chairman of the Conseil du trésor**



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EXPLANATORY NOTES

The purpose of this bill is to transfer the functions performed by the Office des ressources humaines under the Public Service Act to the secretariat of the Conseil du trésor.

The bill contains the provisions required to enable the chairman of the Conseil du trésor to assume the responsibilities of that body as well as the necessary transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);
- Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- National Museums Act (R.S.Q., chapter M-44);
- Act respecting police organization (R.S.Q., chapter O-8.1);
- Public Protector Act (R.S.Q., chapter P-32);

- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001);
- Auditor General Act (R.S.Q., chapter V-5.01);
- Act respecting the transfer of certain public servants from the Ministère de l'Éducation to the Société de gestion du réseau informatique des commissions scolaires (1984, chapter 48);
- Act respecting the transfer of certain employees from the Ministère de l'Éducation to the Société de radio-télévision du Québec (1986, chapter 43);
- Act respecting the Société du tourisme du Québec (1994, chapter 27);
- Act respecting the Commission des droits de la personne et des droits de la jeunesse (1995, chapter 27);
- Act respecting the national capital commission (1995, chapter 44).

Bill 34

An Act respecting the transfer of the powers and functions of the Office des ressources humaines

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PUBLIC SERVICE ACT

1. Section 31 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing the words “the Office des ressources humaines is unable” in the first line by the words “it is impossible for the chairman of the Conseil du trésor”;

(2) by replacing the words “he is placed on reserve at the Office, and is under its responsibility” in the second and third lines by the words “the public servant shall be placed on reserve under the responsibility of the chairman of the Conseil du trésor”.

2. Section 35 of the said Act is amended by striking out the words “or a grade advancement examination” in the second and third lines.

3. Section 42 of the said Act is amended

(1) by replacing the words “Office des ressources humaines” in the third line of the second paragraph by the words “Conseil du trésor”;

(2) by replacing the word “Office” in the last line of the second paragraph by the words “chairman of the Conseil du trésor”.

4. Section 43 of the said Act is amended

(1) by replacing the words “Office des ressources humaines” in the first line of the first paragraph by the words “chairman of the Conseil du trésor”;

(2) by replacing the figure “103” in the second line of the second paragraph by the figure “50.1”.

5. Section 47 of the said Act is amended

(1) by replacing the words “Office des ressources humaines holds a competition, it” in the first line of the first paragraph by the words “chairman of the Conseil du trésor holds a competition, he”;

(2) by replacing the word “Office” in the first line of the second paragraph by the words “chairman of the Conseil du trésor”;

(3) by replacing the words “it may reduce their number according to the norms it may determine” in the third and fourth lines of the second paragraph by the words “he may reduce their number according to the norms determined by the Conseil du trésor”;

(4) by replacing the words “Office shall state when inviting applications what means it” in the first line of the third paragraph by the words “chairman of the Conseil du trésor shall state when inviting applications what means he”.

6. Section 50 of the said Act is amended by replacing the figure “103” in the third line by the figure “50.1”.

7. The said Act is amended by inserting, after section 50, the following section:

“50.1 The Conseil du trésor shall determine, by regulation,

(1) the procedure for holding recruitment or promotion competitions;

(2) geographical areas and criteria to determine whether a person belongs to an area for the purposes of eligibility for a competition or for a candidate inventory in that area;

(3) the administrative entity to which a public servant must belong in order to be eligible for a competition;

(4) norms according to which the number of eligible candidates for a competition may be reduced;

(5) norms according to which candidates declared qualified in a competition may be grouped into levels and the lists of certifications of qualification may be drawn up;

(6) conditions, cases and categories of cases where the upgrading of a position may allow promotion without a competition.

The Conseil du trésor shall publish in the *Gazette officielle du Québec* draft regulations with a notice stating that the regulations may be made with or without amendment at the expiry of 30 days from that publication.

Regulations of the Conseil du trésor come into force 15 days after publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

8. Section 55 of the said Act is amended by striking out paragraph 4.

9. Section 70 of the said Act is amended

(1) by replacing the words “Office des ressources humaines” in the fifth line of the first paragraph by the words “chairman of the Conseil du trésor”;

(2) by replacing the words “advancement competitions or certificates of qualification, or examinations for grade advancement of public servants or their certificates of qualification” in the sixth, seventh and eighth lines of the first paragraph by the words “promotion competitions or to the certification of the qualification of candidates”.

10. The heading of Division II of Chapter V of the said Act is replaced by the following:

“DIVISION II

“CHAIRMAN OF THE CONSEIL DU TRÉSOR”.

11. Subdivision 1 of Division II of Chapter V and the heading of subdivision 2 of Division II of Chapter V of the said Act are repealed.

12. Section 99 of the said Act is replaced by the following section:

“99. The functions of the chairman of the Conseil du trésor shall include

(1) holding competitions for the recruitment and promotion of candidates and certifying the qualifications of candidates;

(2) prescribing conditions of eligibility for the purposes of a competition or of a candidate inventory;

(3) inviting applications for the purpose of constituting a candidate inventory;

(4) reducing the number of candidates who meet the requirements for eligibility for a competition;

(5) assessing and certifying the qualifications of candidates for promotion without a competition;

(6) giving an opinion on the classification he considers, after assessment, to be most appropriate to a person's qualifications, in accordance with the provisions of this Act;

(7) discharging any other duties assigned to him by the Government.”

13. Section 102 of the said Act is replaced by the following section:

“102. The chairman of the Conseil du trésor may, in writing and to the extent he indicates, delegate the exercise of the functions assigned to him under this Act to a deputy minister or chief executive officer, except the functions assigned to him under sections 30 and 31, paragraphs 5 and 6 of section 99 and sections 100 and 101.

The instrument of delegation may authorize the deputy minister or the chief executive officer to subdelegate the functions he indicates, and, where he does so, he must identify the titles of the holders of positions or the public servants to whom the functions may be subdelegated.

The chairman of the Conseil du trésor may verify or mandate a person or a body to verify the carrying out of the delegation or subdelegation, or revoke the delegation at any time.”

14. Sections 103 and 104 of the said Act are repealed.

15. Section 171 of the said Act is replaced by the following section:

“171. The chairman of the Conseil du trésor is responsible for the administration of this Act.”

16. The said Act is amended by replacing, with the necessary modifications, the words “Office des ressources humaines” or “Office”, wherever they appear in sections 29, 30, 30.1, 34, 44, 46, 49, 100 and 101 by the words “chairman of the Conseil du trésor”.

FINANCIAL ADMINISTRATION ACT

17. The Financial Administration Act (R.S.Q., chapter A-6) is amended by inserting, after section 28, the following sections:

“28.1 The Conseil du trésor shall place at the disposal of the chairman of the Conseil du trésor the personnel required for the exercise of the functions assigned to him under another Act.

“28.2 Under the direction of the chairman, the secretary of the Conseil du trésor has, in the exercise of the functions referred to in section 28.1, the authority of the chairman.

“28.3 The secretary may delegate in writing the exercise of the functions referred to in section 28.1 to a public servant or to the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the functions he indicates and, if he does so, he shall identify the public servant or holder of a position to whom they may be subdelegated.

“28.4 No act, document or writing is binding on or may be attributed to the chairman in the performance of a function referred to in section 28.1 unless it is signed by the chairman, the secretary or a member of the personnel of the Conseil du trésor, although in the latter case, only to the extent determined by the Government.

“28.5 The Government may allow a signature to be affixed by means of an automatic device to the documents it determines, on the conditions it fixes.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines. The facsimile must bear the countersignature of a person authorized by the chairman.

"28.6 A document or copy of a document relating to a function referred to in section 28.1 and emanating from the Conseil du trésor or forming part of its records is authentic if it is signed or certified true by a person referred to in section 28.4.

"28.7 The chairman of the Conseil du trésor may, in accordance with law, enter into an agreement with a government other than the Government of Québec, with a department of such a government, with an international organization or with an agency of that government or organization for the purposes of the functions referred to in section 28.1.

"28.8 The chairman of the Conseil du trésor shall table a report of the activities referred to in section 28.1 for each fiscal year before the National Assembly within six months of the end of that fiscal year or, if the Assembly is not sitting, within 30 days of resumption."

LABOUR CODE

18. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by striking out the words "of the Office des ressources humaines," in the thirteenth and fourteenth lines of subparagraph 3 of paragraph 1.

OTHER AMENDMENTS

19. The words "Office des ressources humaines" are replaced, with the necessary modifications, by the words "chairman of the Conseil du trésor" wherever they appear in the following provisions:

(1) sections 40, 41 and 42 of the Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);

(2) sections 91, 92 and 93 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);

(3) sections 121, 122 and 123 of the Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1);

(4) section 5 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

(5) sections 47, 48 and 49 of the National Museums Act (R.S.Q., chapter M-44);

(6) sections 252, 253 and 254 of the Act respecting police organization (R.S.Q., chapter O-8.1);

(7) sections 37.2, 37.3 and 37.4 of the Public Protector Act (R.S.Q., chapter P-32);

(8) sections 619.64, 619.65 and 619.66 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(9) sections 41, 42 and 43 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);

(10) sections 51, 52 and 53 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

(11) sections 48, 49 and 50 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);

(12) sections 87, 88 and 89 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001);

(13) section 59 of the Auditor General Act (R.S.Q., chapter V-5.01);

(14) sections 6 to 9 of the Act respecting the transfer of certain public servants from the Ministère de l'Éducation to the Société de gestion du réseau informatique des commissions scolaires (1984, chapter 48);

(15) sections 8, 9 and 10 of the Act respecting the transfer of certain employees from the Ministère de l'Éducation to the Société de radio-télévision du Québec (1986, chapter 43);

(16) sections 45, 46 and 47 of the Act respecting the Société du tourisme du Québec (1994, chapter 27);

(17) sections 30, 31 and 33 of the Act respecting the Commission des droits de la personne et des droits de la jeunesse (1995, chapter 27);

(18) sections 31, 32 and 33 of the Act respecting the national capital commission (1995, chapter 44).

TRANSITIONAL AND FINAL PROVISIONS

20. Unless otherwise indicated by the context, in any other Act and in any regulation, by-law, order in council, ministerial order, proclamation, order, contract, agreement, accord or other document, a reference to the Office des ressources humaines or to the chairman of the Office is a reference to the chairman of the Conseil du trésor.

21. Regulations made under section 103 of the Public Service Act and in force on (*insert here the date of the day preceding the date of coming into force of this Act*) are deemed to be regulations made by the Conseil du trésor under section 50.1 of the Public Service Act as enacted by section 7 of this Act.

22. The records and other documents of the Office des ressources humaines become the records and documents of the chairman of the Conseil du trésor.

23. The chairman of the Conseil du trésor becomes, without continuance of suit, a party to every proceeding to which the Office des ressources humaines was a party.

24. The members of the personnel of the Office des ressources humaines become members of the personnel of the Conseil du trésor or, to the extent determined by the Government, of any other department or body designated by the Government.

25. The appropriations granted in respect of the Office des ressources humaines are transferred to the Conseil du trésor to the extent and on the terms and conditions determined by the Government.

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