



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 198

**An Act respecting the limitation of
hiring by public bodies and the
accountability of administrators of
state and chief executive officers of
public bodies**

Introduction

**Introduced by
Mr Henri-François Gauthrin
Member for Verdun**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

The object of this bill is to limit the number of persons who will be hired to replace those who leave a position with the Government or a public, parapublic or peripublic body.

A further object of the bill is to provide for a reduction of the managerial staff.

Finally, the bill proposes to establish the principle of accountability for administrators of state and chief executive officers of public bodies to a parliamentary committee of the National Assembly.

Bill 198

An Act respecting the limitation of hiring by public bodies and the accountability of administrators of state and chief executive officers of public bodies

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

1. For the purposes of this Act, the following bodies are public bodies:

(1) the Government, its departments and the government agencies whose personnel is appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(2) school boards, colleges, establishments, bodies similar to a school board or held to be establishments and government agencies to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) applies, as well as regional health and social service councils and the Conseil scolaire de l'Île de Montréal;

(3) any other body whose personnel is remunerated according to standards and scales which are, by law, determined or approved by the Government or stipulated in a collective agreement negotiated and agreed with the concurrence of the Government;

(4) any joint-stock company of which more than 50 % of the voting shares are part of the public domain or are owned by a public body, a government agency or a government corporation;

(5) educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1).

2. The National Assembly, persons designated by the National Assembly pursuant to an Act and persons designated by the Government pursuant to an Act and whose personnel is appointed or remunerated in accordance with the Public Service Act shall be held to be public bodies.

DIVISION II

RULES GOVERNING THE HIRING OF PERSONNEL BY PUBLIC BODIES

3. Until 31 March 1994, no person may be hired by a public body.

However, not more than 15 % of the persons who leave a position in a public body may be replaced.

The Government may, by regulation, extend the time limit fixed in the first paragraph.

4. Persons whose employment is terminated by the expiry of the time fixed at the time of hiring may be rehired notwithstanding section 3.

5. The persons who may be replaced pursuant to section 3 shall be replaced by persons placed on reserve by a public body.

6. Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), every public body shall provide to any other public body which so requests the names of the persons placed on reserve as well as any other information required for the purposes of section 5.

7. The Government may make regulations exempting certain public bodies from the application of all or part of this division, to the extent that it determines.

DIVISION III

RULES ON MANAGERIAL STAFF REDUCTION

8. Every public body required to obtain approval of its organization plans in accordance with section 22 of the Financial

Administration Act (R.S.Q., chapter A-6) shall adopt or cause to be adopted, not later than 1 January 1993, a new organization plan which reduces its managerial staff by at least 20 %.

9. Every other public body shall, not later than 1 January 1993, reduce its managerial staff by at least 20 %.

For that purpose, the public body shall, not later than 1 January 1993, provide to the Conseil du trésor all information or documents evidencing such reduction.

DIVISION IV

ACCOUNTABILITY OF ADMINISTRATORS OF STATE AND CHIEF EXECUTIVE OFFICERS OF PUBLIC BODIES

10. Every administrator of state and every chief executive officer of a public body shall be accountable to the relevant parliamentary committee of the National Assembly with respect to the functions and mandates established by the minister having authority over him.

The parliamentary committee may request the minister having authority over the public body to establish, specify or modify the functions and mandates of any administrator of state or chief executive officer of a public body.

DIVISION V

OTHER PROVISIONS

11. This Act has effect notwithstanding any inconsistent provision of the Public Service Act and the regulations thereunder.

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