

NATIONAL ASSEMBLY OF QUÉBEC

Bill 12

An Act to amend the Civil Service Act

First reading

Second reading

Third reading



Madame DENISE LEBLANC-BANTEY

Minister of the Civil Service

EXPLANATORY NOTES

This bill proposes to amend the Civil Service Act, particularly as an expression of the will of the Government to implement a policy of equal opportunity in employment and to give effect to the negotiations carried on with the professionals of the public sector.

The objects of the bill are

— to charge the Minister of the Civil Service with devising and proposing measures designed to ensure equality in employment;

— to provide adequate mechanisms for the application of employment readjustment programs in matters of recruiting and promotion in the civil service;

— to enable the Office du recrutement et de la sélection du personnel de la fonction publique, or as the case may be, the Minister of the Civil Service to limit eligibility for competitions in relation to the areas of population;

— to introduce the concept of a grade system into the job classification of the civil service as well as rules and recourses pertaining to the examination for grade advancement; and

— to entrust the Office du recrutement et de la sélection du personnel de la fonction publique with new responsibilities concerning the holding of examinations for grade advancement and the placement of permanent civil servants put on reserve. It also entrusts the Office with responsibilities pertaining to the determination, for a competition, of the field of formal education or the extent or the field of relevant experience within the conditions of eligibility fixed by the Minister of the Civil Service.

Bill 12

An Act to amend the Civil Service Act

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Civil Service Act (R.S.Q., chapter F-3.1) is amended by replacing paragraph *a* of section 8 by the following paragraphs:

“(a) prepare and propose to the Government measures designed to ensure equal opportunity in employment, especially through employment readjustment programs;

“(a.1) prepare and carry out a policy for the development of human resources and, in particular, establish and administer development programs.”

2. The said Act is amended by replacing section 29 by the following section:

“**29.** The Commission hears and decides every appeal brought by a member of the civil service staff in accordance with section 64, 78, 87 or 97, in the matter of classification, demotion or removal for professional incompetence, dismissal, suspension or discipline, as well as in the case where a civil servant is temporarily relieved of his duties, unless a collective agreement confers the jurisdiction in that matter on another person. The Commission hears and decides every appeal brought by a civil servant in the matter of promotion or grade advancement in accordance with section 77.”

3. The said Act is amended by replacing section 50 by the following section:

“50. The Office shall

(a) make regulations concerning

i. the recruitment and selection of candidates for appointment to the civil service and the selection of candidates for promotion in the civil service;

ii. the holding of grade advancement examinations;

(b) in accordance with this Act and the regulations thereunder

i. recruit, select, certify qualifications of and present candidates for nomination and promotion in the civil service;

ii. hold grade advancement examinations and certify candidates qualified for grade advancement;

(c) find employment for civil servants placed on reserve within the meaning of section 60;

(d) implement mechanisms to facilitate the transfer of civil servants.

The Office shall also discharge the other functions conferred on it by this Act.

A regulation of the Office is submitted to the Conseil du Trésor for approval and comes into force on the date of its publication in the *Gazette officielle du Québec* or on a later date fixed therein.”

4. The said Act is amended by replacing section 51 by the following section:

“51. The Office may delegate the exercise of a function contemplated in paragraph *b* of section 50 to one of its civil servants. It may also delegate the exercise of a function contemplated in subparagraph *i* of paragraph *b* of section 50 to a deputy minister or to the chief executive officer of an agency, and indicate, in the deed of delegation, the functions the latter persons may subdelegate and the persons to whom such subdelegation may be made.

The Office may, at any time, revoke such delegation.”

5. The said Act is amended by replacing section 60 by the following section:

“60. If, in accordance with a decision by the Conseil du trésor, a department or agency must decrease the number of permanent civil servants in a class of positions, the department or agency, in accordance with the standards, terms and conditions determined by regulation of the Minister of the Civil Service, shall

identify those in excess and shall place them on reserve at the Office.

Where it is impossible for the Office to find, for a civil servant placed on reserve, an employment consistent with his classification, the Office may assign a new classification to him after examining his qualifications; in no case may this new classification entail a decrease of the regular salary to which the civil servant was entitled before being assigned that classification."

6. This said Act is amended by replacing section 61 by the following section:

"61. The Minister shall, by regulation, determine the classification of positions, or of their incumbents, in the civil service.

The regulations may also provide conditions of admission to each class of positions or each grade.

The Office may, for the holding of a competition, determine, within the conditions of eligibility determined in the classification regulations of the Minister of the Civil Service, the field of schooling or the field or extent of experience relevant to the class of positions, sector or field of activities, position, or grade for which the competition is held.

The classification also identifies the senior civil service positions. The persons appointed and the civil servants promoted to such positions constitute the senior staff of the civil service."

7. The said Act is amended by replacing section 67 by the following section:

"67. The staff of the civil service is recruited and promoted by way of competition and every competition must be of such a nature as to evaluate the candidates impartially. However, no competition is required to accede to a higher grade, but such advancement is made by way of an examination of competence in accordance with a regulation of the Minister of the Civil Service.

In a competition, selection is established on the basis of criteria of competence and qualifications, and following a competition, a list is drawn up ranking the candidates by order of merit.

Appointments and promotions are made in that order from the candidates issued certificates of qualifications.

However, for the application of an employment readjustment program, the Minister of the Civil Service may, in such cases as he may determine by regulation, require the Office to group together by levels the candidates declared qualified. In such a case, appoint-

ments and promotions are made by selecting among persons of the same level according to the ranking order of the levels.”

8. The said Act is amended by replacing section 68 by the following section:

“**68.** Every person who, according to law or a statutory instrument, may be admitted to a competition or an examination, must be admitted thereto.

However, in the matter of recruitment, the Office may determine, by regulation, geographical areas and criteria for belonging to those areas in order for a person to be eligible for a competition. It may, within an employment readjustment program, limit the eligibility for a competition to the category of persons determined by regulation of the Minister of the Civil Service. It may also, for the purposes of recruiting personnel in teaching establishments, limit the eligibility for a competition to the category of persons determined by regulation of the Minister of the Civil Service.

In the matter of promotion, the Minister of the Civil Service may determine, by regulation, geographical areas and criteria for belonging to such areas in order for a civil servant to be eligible for a competition. He may also determine, by regulation, the administrative body to which a civil servant must belong in order to be eligible for a competition.

Notice of every competition or examination must be given by the Office in the manner it deems appropriate, so that every person eligible for such competition or examination may have a reasonable opportunity to apply.

The Office must examine every application received within the time limit fixed for the receipt of applications.”

9. The said Act is amended by replacing section 77 by the following section:

“**77.** In a competition for promotion or a grade advancement examination, the candidate who considers that the verification procedure on the eligibility of candidates or the selection procedure was irregular or illegal is entitled to appeal to the Commission within fifteen days of a notice notifying him that he is not eligible for the competition or the grade advancement examination, or informing him of the results of the competition or examination.”

10. The said Act is amended by replacing section 79 by the following section:

“79. Every appointment, promotion or grade advancement must be communicated to the Commission, the Office, the Minister of the Civil Service and the comptroller of finance.”

11. This Act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date that may be fixed by proclamation of the Government.