

SECOND SESSION

THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 85

An Act to amend the Probation and Houses of Detention Act

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First reading

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M. MARC-ANDRÉ BÉDARD

Ministre de la justice

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CHARLES-HENRI DUBÉ, ÉDITEUR OFFICIEL DU QUÉBEC

1977

## Bill 85

An Act to amend the Probation and Houses of Detention Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** The Probation and Houses of Detention Act (1969, chapter 21) is amended by replacing section 19 by the following sections:

**“19.** The Director General may, in accordance with the regulations made for such purpose, establish a programme to enable persons imprisoned in such house of detention as he may indicate to follow courses outside the establishment or to carry on another activity calculated to promote their social rehabilitation.

**“19a.** The Director General may establish programmes of remunerated activities for persons detained in a house of detention.

For that purpose he may, in particular:

(a) enter into an agreement with a third party for the purpose of procuring work for a detained person;

(b) entrust to a detained person the management of services within a house of detention or the carrying out of duties relating to such services;

(c) authorize the production and sale of goods or services by a detained person;

(d) authorize a detained person to carry on an employment outside a house of detention.

**“19b.** The remuneration owing to a person detained in a house of detention shall be paid to the warden of the house of detention who shall make the deductions prescribed by an act in force in Québec or a statutory instrument thereunder, or by a court judgment, as the case may be.

### EXPLANATORY NOTES

*This bill amends the Probation and Houses of Detention Act to introduce into it the principle of remunerated labour in regard to persons detained in a house of detention.*

*Section 1 enables the setting up of programmes of remunerated activities and, in particular, provides for the payment of the remuneration, the deposit of certain sums in a fund established for the benefit of detained persons, and the possibility of creating management committees within houses of detention, and provides for the application or non-application of certain laws in houses of detention.*

*Section 2 broadens the regulatory powers provided by the act to ensure the implementation of programmes of remunerated activities, the establishment of funds for the benefit of detained persons, and committees for the management of the programmes or the funds.*

The warden shall remit to the detained person, out of the remuneration owing to him, the allowance determined by regulation.

Subject to section 19*c*, the balance of the remuneration shall be deposited in a financial institution and credited to the account of the detained person unless there is a contrary agreement authorized by the Director General.

**“19*c*.** A fund for the benefit of detained persons may be established in a house of detention, in the manner provided for by regulation.

Where such a fund is established, the warden of the house of detention shall withhold from the remuneration owing to a detained person the percentage fixed by regulation and pay into the fund the sum so withheld.

The sums paid into the fund shall be utilized for the benefit of the persons detained in the house of detention, or to remunerate a person contemplated in paragraph *b* of section 19*a*.

**“19*d*.** The warden of a house of detention shall make to a detained person at least every month and at the time of his release a report of the remuneration so paid for him and of the deductions or deposits made in accordance with section 19*b* or 19*c*.

**“19*e*.** A committee responsible for the management of a programme of remunerated activities or of a fund for the benefit of detained persons may be established in a house of detention, in the manner provided for by regulation.

Such a committee shall be composed of the warden of the house of detention who shall be the chairman and of the other members appointed in accordance with the regulations from among the persons detained in the house of detention, from among the officers or employees working under the authority of the said warden or of the Director General, and from among other persons concerned with the social rehabilitation of detained persons.

**“19*f*.** For the application of the Workmen’s Compensation Act (Revised Statutes, 1964, chapter 159) the Government is deemed to be the employer of a person detained in a house of detention who carries out work within the house of detention under a programme of remunerated activities.

The compensation to which a detained person is entitled shall be computed on the basis of his average weekly earnings established by the Commission des accidents du travail de Québec, taking into account the income that the detained person would have earned

at the time of the accident if, at the time of such accident, he had been carrying on the employment he was carrying on before his imprisonment; however, if the commission cannot so establish the average weekly earnings, it shall determine such average according to the method it considers best suited to the circumstances.

Sections 19*b*, 19*c* and 19*d* apply to the compensation to which a detained person is entitled.

**“19*g*.** The Labour Code (Revised Statutes, 1964, chapter 141), the Collective Agreement Decrees Act (Revised Statutes, 1964, chapter 143), the Minimum Wage Act (Revised Statutes, 1964, chapter 144), the Civil Service Act (1965, 1st session, chapter 14), the Construction Industry Labour Relations Act (1968, chapter 45) and the Manpower Vocational Training and Qualification Act (1969, chapter 51) do not apply to a detained person who carries out work within a house of detention.”

**2.** Section 23 of the said act is amended by adding, after paragraph *m*, the following paragraphs:

“(n) determine the rules of management of a programme of remunerated activities and the functions and powers of the warden of a house of detention in relation with the implementation of such a programme including the organization of work within a house of detention, the mode of remuneration and the labour standards applicable;

(o) fix the rules governing the establishment and management of a fund for the benefit of detained persons;

(p) fix the percentage of the remuneration owed to a person detained in a house of detention that a warden may withhold to be paid into a fund established for the benefit of detained persons;

(q) fix the rules for the establishment or dissolution of a committee contemplated in section 19*e* and determine the number and the mode of appointment of its members, as well as the respective functions and powers of the committee and of the warden of a house of detention with regard to the management of a programme of remunerated activities or of a fund for the benefit of detained persons;

(r) determine the allowance that a person detained in a house of detention may receive out of the remuneration owed to him and the purchases or reimbursements that he may make.”

**3.** This act shall come into force on the day of its sanction.