

1988, chapter 47
**AN ACT TO AMEND THE ACT RESPECTING
HEALTH SERVICES AND SOCIAL
SERVICES AND OTHER LEGISLATION**

Bill 34

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

Introduced 12 May 1988

Passage in principle 8 June 1988

Passage 15 December 1988

Assented to 19 December 1988

Coming into force: on the date or dates fixed by the Government

— 21 December 1988: ss. 4, par. 1, 5

G.O., 1989, Part 2, p. 61

Acts amended:

Labour Code (R.S.Q., chapter C-27)

Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)

Public Health Protection Act (R.S.Q., chapter P-35)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting health services and social services (R.S.Q., chapter S-5)

Act to ensure that essential services are maintained in the health and social services sector (1986 chapter 74)



Éditeur officiel
Québec



CHAPTER 47

An Act to amend the Act respecting health services and social services and other legislation

[Assented to 19 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-5,
s. 18.3, am.

1. Section 18.3 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended

(1) by replacing the first paragraph and the first line of the second paragraph by the following paragraph:

Functions

“18.3 The Conseil de la santé et des services sociaux de la région de Montréal Métropolitain shall, for the purpose of ensuring the distribution of emergency cases, exercise the following functions:”;

(2) by striking out subparagraphs 5, 5.1 and 6 of the second paragraph;

(3) by striking out the third paragraph.

c. S-5, Div.
VI.1, added

2. The said Act is amended by inserting, after section 149, the following division:

"DIVISION VI.1

"PRE-HOSPITALIZATION EMERGENCY SYSTEM

"§ 1.—*La Corporation d'urgences-santé de la région de Montréal Métropolitain*Establish-
ment

"149.1 A non-profit corporation is hereby established under the name of "Corporation d'urgences-santé de la région de Montréal Métropolitain".

Head office

"149.2 The head office of the Corporation shall be situated in the city of Montréal at the address determined by the board of directors.

Companies
Act

"149.3 Part III of the Companies Act applies to the Corporation, subject to any inconsistent provisions of this division.

Territory

"149.4 The territory of the Corporation shall consist of the territory of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain as determined on 12 May 1988.

Ambulance
services

"149.5 The object of the Corporation, subject to the powers conferred on any regional council and any establishment, is to organize and coordinate, in its territory, a pre-hospitalization emergency system including ambulance services to facilitate access to health services. For that purpose, the Corporation shall exercise the following functions:

(1) take part in concerted action with the different persons and bodies involved in matters of ambulance services;

(2) operate an ambulance service and a medical emergency intervention service;

(3) receive, from persons and establishments, calls requesting ambulance services and take appropriate action;

(4) devise and implement a communication system to monitor on a day-to-day basis the situation prevailing in the emergency services of the establishments with respect to the number of transfers and transports by ambulance and inform the regional council of its territory;

(5) authorize the transport of a person to another establishment where the establishment initially selected is overcrowded, after seeing to it that all prescribed procedures have been complied with;

(6) ensure that the staff assigned to the services which constitute the pre-hospitalization emergency system are properly qualified and provide proper services.

Establish-
ments

The establishments referred to in subparagraphs 4 and 5 of the first paragraph are the public establishments and private establishments referred to in sections 176 and 177.

Members of
Corporation

“149.6 The Corporation comprises, in addition to its director general, the following ten members appointed by the Government:

(1) one member appointed after consultation with the Communauté urbaine de Montréal from among the members of its council or managerial personnel;

(2) one member appointed after consultation with the city of Laval from among the members of its council or managerial personnel;

(3) one member appointed after consultation with groups representing users in the territory;

(4) one member appointed after consultation with the Association des hôpitaux du Québec from among the directors general of the hospital centres of the territory;

(5) one member appointed after consultation with the Association des conseils des médecins, dentistes et pharmaciens du Québec from among the emergency-room coordinators of the hospital centres of the territory;

(6) one member designated by and from among physicians who practise in the medical emergency intervention service of the Corporation;

(7) one member designated by and from among the owners who have made a contract respecting ambulance services with the Corporation;

(8) three members designated by and from among the employees of the Corporation and representing ambulance technicians, nurses and other employees of the Corporation, respectively. Failing an agreement among those persons as regards the representative of their group, the Minister shall designate him of his own initiative.

Board of
directors

“149.7 Upon their appointment, the members of the Corporation become members of the board of directors.

Director
general

“149.8 The director general of the Corporation shall be appointed by the Government after consultation with the other

members of the Corporation. He is, by virtue of his office, the chairman of the board of directors.

Term of
office

“149.9 The term of office of the members of the board of directors shall not exceed five years.

Cessation of
function

Notwithstanding the foregoing, a person who ceases to be qualified shall cease to be a member of the Corporation and of the board of directors.

Continuance
in office

“149.10 The members of the board of directors shall remain in office, notwithstanding the expiry of their terms, until they are reappointed or replaced.

Vacancy

Any vacancy occurring before the expiry of a term shall be filled within the next 120 days, in the manner and for the time set out in sections 149.6, 149.8 and 149.9.

Reimburse-
ment of
expenses

“149.11 The members of the board of directors other than the director general shall receive no salary; they are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

Director
general

“149.12 The director general shall be responsible, under the authority of the board of directors, for the management of the Corporation within the scope of its by-laws and policies. He shall exercise his functions on a full-time basis.

Remunera-
tion

The remuneration and the other conditions of employment of the director general shall be determined by the Government.

Substitute

“149.13 Where the director general is absent or unable to act, the Government may appoint a person to exercise his functions while he is absent or unable to act, and fix his remuneration and other conditions of employment.

Conflict of
interest

“149.14 On pain of forfeiture of office, in no case may the director general of the Corporation have any direct or indirect interest in an enterprise which places his personal interest in conflict with that of the Corporation. However, forfeiture is not incurred if the interest devolves by succession or gift, provided it is renounced or disposed of with diligence.

Disclosure

Every member of the board of directors, other than the director general of the Corporation, who has a direct or indirect interest in an enterprise which places his personal interest in conflict with that of the Corporation shall, on pain of forfeiture of office, disclose his

interest in writing to the director general and abstain from taking part in any debate or decision bearing upon the enterprise in which he has an interest.

Minority
shareholder

For any member of the board of directors, the fact of being a minority shareholder of a corporation which operates an enterprise referred to in this section does not constitute a situation of conflict of interest if the shares of the corporation are listed on a recognized stock exchange and if the member of the board of directors involved is not an insider of the corporation within the meaning of section 89 of the Securities Act.

Conditions of
employment

“149.15 The staffing plan of the Corporation, the standards and scales of remuneration and the other conditions of employment of the employees of the Corporation other than the director general shall be determined by by-law of the board of directors and submitted to the Government for approval.

Operation of
ambulance
service

“149.16 The Corporation shall, to secure the necessary ambulances for the operation of its ambulance service, proceed in the manner and in accordance with the terms and conditions determined by the Government.

Leasing
contract

“149.17 Every ambulance owner who makes a leasing contract with the Corporation shall undertake to put such ambulances as are stipulated in the contract at the exclusive disposal of the Corporation, at such service points and according to such schedules as the Corporation may determine.

Standards

“149.18 The standards regarding the qualifications of the staff assigned to the services which constitute a pre-hospitalization emergency system and the standards regarding the equipment, operation and inspection of such a service prescribed in a regulation under the Public Health Protection Act (R.S.Q., chapter P-35), adapted as required, apply, according to the nature of the activities engaged in, to every person having made an ambulance services contract with the Corporation, and to the Corporation.

Budget
estimates

“149.19 Each year, the Corporation shall submit its budget estimates for the next fiscal year to the Minister.

Filing

The Minister shall fix the final date for filing such estimates and determine the form and content thereof.

Operating
budget

“149.20 On 1 April each year, the Minister shall transmit to the Corporation, on the conditions he determines, its operating budget for the current fiscal year. Failing that, the operating budget transmitted by the Minister for the preceding fiscal year shall be

renewed until the Corporation has received the budget for the current fiscal year.

Capital budget The Minister may, in addition, if he deems it appropriate, transmit a capital budget to the Corporation, on the conditions he determines.

Fiscal year “**149.21** The fiscal year of the Corporation ends on 31 March each year.

Audit “**149.22** The books and accounts of the Corporation shall be audited every year by the Auditor General.

Auditor's report The auditor's report must accompany the report of activities and the financial statements of the Corporation.

Report to the Minister “**149.23** The Corporation shall provide to the Minister any information or report he may require on its activities.

Financial statements “**149.24** Not later than 30 June each year, the Corporation shall submit its financial statements and a report of its activities for the preceding fiscal year to the Minister.

Content The financial statements and the report of activities must contain all the information required by the Minister.

Directives of Minister “**149.25** The Minister may, as part of his responsibilities and powers, give the Corporation directives concerning the aims and objectives of the Corporation in the carrying out of the functions conferred on it by this Act; the directives must receive prior approval by the Government.

Binding effect Directives given pursuant to this section shall be binding on the Corporation.

Tabling They shall be tabled before the National Assembly within 15 days of their approval or, if it is not sitting, within 15 days of resumption.

Third parties Third parties are not required to see to the enforcement of this section and it cannot be invoked by or against them.

“§ 2.—*Coordination of a pre-hospitalization emergency system in the regions*

Coordination plan “**149.26** Every regional council shall submit to the Minister, who may approve it with or without amendment, a plan according to

which the council shall coordinate in its region or any part thereof, subject to the powers granted to the establishments, a pre-hospitalization emergency system including ambulance services.

Evaluation
procedures

The plan shall establish the procedures for evaluating and controlling the quality of the services provided by the staff assigned to the pre-hospitalization emergency system.

Centre for
coordination
of calls

Furthermore, at the request of the Minister, the plan shall provide for the establishment, for all or part of the region contemplated thereby, of a centre for the coordination of calls from persons and establishments requesting ambulance services. It shall indicate the procedure of operation of the centre and mention the entity responsible for its operation.

Responsi-
bility

Such responsibility shall be offered first to a group comprising holders of ambulance service permits in the region or part of the region contemplated by the plan. If such a group does not exist, if the existing group, in the opinion of the regional council, is not representative of the permit holders concerned, or if there is no agreement between a group and the council, a body or establishment designated by the council shall be given the responsibility.

Revision of
plan

The plan may be revised at the request of the Minister.

Contract for
ambulance
services

“149.27 Every regional council shall negotiate, by agreement and on the conditions established by the Government, with any holder of an ambulance service permit in his region a contract whereby the permit holder undertakes to provide, on an exclusive basis, the ambulance services which are the object of the contract at such service points and according to such schedules as may be determined by the regional council or, where such is the case, by a call coordination centre established under section 149.26.

Terms and
conditions

Failing an agreement, the Government shall, by order, fix the terms and conditions of the contract.

Master
budget

“149.28 The master budget of a regional council responsible for the coordination of a pre-hospitalization emergency system or of an establishment responsible for a call coordination centre must indicate the amounts allocated for those particular purposes.

Audit

Sections 149.19 to 149.24, adapted as required, apply to any other entity responsible for a call coordination centre. However, the books and accounts of the responsible entity shall be audited each year by the auditor it designates.

Inapplica-
bility

“149.29 This subdivision does not apply to the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain or to a regional council a part of whose territory is included in the territory of the Corporation d’urgences-santé de la région de Montréal Métropolitain, for the part of the territory concerned.

“§ 3.—Miscellaneous provisions

Form of
contracts

“149.30 The Minister shall determine the form, the minimum content and, where applicable, the term of the contracts made under this division.

Content

The content of the contracts may vary according to the territory or the regions, the nature or scope of the services provided or the population served.

Effect of
decisions

“149.31 Every public or private establishment referred to in sections 176 and 177 is bound by any decision pertaining to ambulance services made either by the Corporation d’urgences-santé de la région de Montréal Métropolitain as part of the functions devolving to it pursuant to section 149.5, by a regional council responsible for the coordination of a pre-hospitalization emergency system or, to the extent indicated in the plan provided for in section 149.26, by the entity responsible for a call coordination centre, according to their respective competence.

Complaints

“149.32 Every regional council shall receive and hear complaints respecting the services provided under a pre-hospitalization emergency system that are required or furnished in its region, and make recommendations it considers appropriate in this regard to the Corporation, to the call coordination centre or to the holder of an ambulance service permit, as the case may be, and to the Minister.

Applicability

Section 19, adapted as required, applies to the Corporation, the call coordination centre or to the holder of an ambulance service permit, as the case may be.

Information

“149.33 Notwithstanding section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) and section 7 of this Act, any establishment must furnish to a person responsible for completing a declaration of ambulance service the following information respecting the person transported by ambulance whenever it has the information in its possession: the name, first name, address, age and health insurance number of the person and, where applicable, the

name and address of his military unit, his veteran's number, the name and number of his Indian band and his social aid beneficiary number or, from the date of coming into force of Chapter II of the Act respecting income security (1988, chapter 51), his beneficiary number under the said chapter.

Use No information thus obtained may be used for purposes other than obtaining payment for transportation provided and fixing the remuneration of or the amount payable to the person providing the transportation service.

Statistics In addition, the Minister may, for the purposes of statistics or for planning ambulance services, require information on any ambulance transportation made, from any person holding such information. No information may permit that the identity of the persons transported be disclosed.

Labour standards “**149.34** Division II of Chapter IV and section 78 of the Act respecting labour standards (R.S.Q., chapter N-1.1) shall not apply to employees of holders of ambulance service permits who are ambulance technicians whose work schedules, as established under contracts made pursuant to section 149.27, are made up of periods of work, on-call periods and periods of rest.”

c. C-27, s. 111.0.16, am. **3.** Section 111.0.16 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing paragraph 7 by the following paragraph:

“(7) an ambulance service enterprise, the Corporation d’urgences-santé de la région de Montréal Métropolitain, the entity responsible for the coordination centre of calls from persons and establishments requesting ambulance services, not contemplated by paragraph 2 of section 111.2 or the Canadian Red Cross Association; or”.

c. P-35, s. 2, am. **4.** Section 2 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended

(1) by replacing subparagraph *b* of the second paragraph by the following subparagraph:

“(b) except as regards a municipality providing ambulance services, fix the rate of transportation by ambulance and determine, for categories of users who are not required to pay for such transportation or who may be reimbursed for all or part of its costs under legislative or regulatory provisions, particular rates applicable to each category or establish standards for fixing them;”;

(2) by replacing, in the second, third and fourth lines of subparagraph *c* of the second paragraph, the words “and the maximum number of ambulances; such maximum number may be fixed for an administrative area or for a zone;” by the words “or the maximum number of ambulances; such maximum numbers may be fixed for a region, part of a region, a territory or a zone;”;

(3) by striking out subparagraph *f* of the second paragraph;

(4) by replacing subparagraph *g* of the second paragraph by the following subparagraph:

“(g) determine the standards regarding the qualifications of the staff assigned to the services of a pre-hospitalization emergency system and the standards regarding the equipment, functioning and inspection of the operations of such services;”.

c. P-35,
s. 2.1,
am.

5. Section 2.1 of the said Act is amended by adding the words “No regulation made under subparagraph *b* of the second paragraph of the said section may, however, come into force before it has been approved by the Government.” at the end of the first paragraph.

c. P-35,
s. 31, am.

6. Section 31 of the said Act is amended by replacing the second paragraph by the following paragraph:

Permit
required

“With the exception of the Corporation d’urgences-santé de la région de Montréal Métropolitain, no person may operate an ambulance service unless he is the holder of a permit issued for that purpose by the Minister or by the regional council, as the case may be, and unless he has made a contract with the council under section 149.27 of the Act respecting health services and social services.”

c. P-35,
s. 34, am.

7. Section 34 of the said Act is amended by inserting the words “region, part of a region or” after the words “and the” in the third line of the third paragraph.

c. P-35,
s. 35, am.

8. Section 35 of the said Act is amended by inserting the words “region, part of a region or” after the words “and the” in the third line.

c. P-35,
s. 36, am.

9. Section 36 of the said Act is amended by adding, after the fourth paragraph, the following paragraph:

Restriction

“No ambulance service permit may be issued after (*insert here the date of coming into force of this section*) for the territory of the Corporation d’urgences-santé de la région de Montréal Métropolitain.”

c. P-35,
s. 40.2, am. **10.** Section 40.2 of the said Act is amended by inserting the words “, other than a municipality,” after the word “person” in the first line.

c. P-35,
ss. 40.3.1 to
40.3.4, added **11.** The said Act is amended by adding, after section 40.3, the following sections:

Safety **“40.3.1** The holder of an ambulance service permit shall not operate his service in a way that might prejudice the safety of the persons transported by him.

Suspension
or revocation
of permit **“40.3.2** The Minister may suspend, revoke or refuse to renew the permit of any holder who

(a) has been found guilty of an offence under this Act or the regulations, or has been found guilty of an indictable offence in connection with the operation of the service for which he holds a permit;

(b) no longer fulfills the conditions required to obtain a permit;

(c) is insolvent or about to become insolvent;

(d) does not comply with an order given under section 40.3.3;

(e) does not comply with a voluntary undertaking made pursuant to section 40.3.4.

Corrective
measures **“40.3.3** The Minister may, instead of suspending, revoking or refusing to renew the permit of a holder who contravenes section 40.3.1, order him to make the necessary changes within the period of time he determines.

Voluntary
undertaking **“40.3.4** The Minister may, if he has reasonable cause to believe that the holder of a permit is contravening this Act or the regulations, accept his voluntary undertaking to comply therewith.”

c. P-35,
s. 40.4, am. **12.** Section 40.4 of the said Act, enacted by section 89 of chapter 65 of the statutes of 1987, is amended by replacing the words “cancel, suspend” in the second line by the words “suspend, revoke”.

c. P-35,
s. 41, am. **13.** Section 41 of the said Act is amended by replacing the words “whose application for a permit is refused or whose permit is suspended or cancelled” in the first and second lines by the words “whose permit is suspended or revoked or whose application for the renewal of his permit is refused”.

c. P-35,
word
replaced in
French text

14. The word “détenteur” is replaced by the word “titulaire” wherever it appears in the French text of the Public Health Protection Act and in the French text of its statutory instruments.

c. C-34,
s. 28, am.

15. Section 28 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by inserting the words “of section 21 and the appeals contemplated in paragraph *j* of the said section and which relate to ambulance service permits” after the letter and figure “h.1” in the first line of the second paragraph.

1986, c. 74,
s. 1, am.

16. Section 1 of the Act to ensure that essential services are maintained in the health and social services sector (1986, chapter 74), amended by chapter 40 of the statutes of 1988, is again amended by adding, after the second paragraph, the following paragraph:

Applicability

“This Act shall also apply from (*insert here the date of coming into force of this section*) to

(1) the Corporation d’urgences-santé de la région de Montréal Métropolitain established by section 149.1 of the Act respecting health services and social services (R.S.Q., chapter S-5) in the same manner as to an establishment;

(2) every person, other than an establishment, every group of such persons or every body responsible for a coordination centre established under section 149.26 of the said Act, in the same manner as to the operator of an ambulance service;

(3) every association of employees that is certified to represent the employees of the employers referred to in paragraphs 1 and 2 as well as to the employees represented thereby, and to every group of which such association of employees becomes a member or to which it belongs, is affiliated or is bound by contract.”

First board
of directors

17. With respect to the composition of the first board of directors of the Corporation d’urgences-santé de la région de Montréal Métropolitain, the members referred to in paragraphs 6, 7 and 8 of section 149.6 of the Act respecting health services and social services are designated respectively by and from among the physicians who practise in a medical emergency intervention service of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain, the holders of ambulance service permits who operate within the territory of the Corporation on (*insert here the date of coming into force of this section*) and the employees referred to in sections 18 and 29.

Qualification
of members

Any person so designated who, subsequent to the transfer of services and employees under this Act or to the signing of the contracts contemplated in section 26, as the case may be, is not qualified for designation under paragraphs 6, 7 and 8 of section 149.6 of the Act respecting health services and social services ceases to be a member of the board of directors.

Appointment
of first direc-
tor general

Notwithstanding section 149.8 of the Act respecting health services and social services, concerning the appointment of the first director general of the Corporation, only the members designated within 30 days of an application for designation shall be consulted, as well as the members in respect of whom the consultation was completed within such period of 30 days.

Transfer of
employees

18. The Conseil de la santé et des services sociaux de la région de Montréal Métropolitain and the Corporation d'urgences-santé de la région de Montréal Métropolitain shall make an agreement for the purpose of transferring to the Corporation, on the date determined in the agreement, or on the date determined by the Government, all the employees of the regional council working at the emergency coordination centre or mainly within the general activities of the latter.

Transfer of
property

The agreement shall also provide for the transfer of the movable property listed therein as well as the transfer of the records and other documents of the emergency coordination centre of the council.

Rights and
obligations

It may also provide for the transfer to the Corporation of certain rights and obligations arising from contracts signed by the council and required for the operation of the emergency coordination centre.

Content of
agreement

19. The agreement shall identify the employees who are transferred from the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain to the Corporation d'urgences-santé de la région de Montréal Métropolitain. It shall maintain the sick leave and holiday leave accumulated by those employees and determine their classification and seniority. Their wages cannot be reduced solely by reason of the transfer.

Executive
officers

The agreement shall reserve, for employees who hold executive offices, the right to continue participating in a collective insurance plan in which they were participating on the date of the transfer.

Settlement
of disagreee-
ment

20. The agreement shall establish the mechanisms for the settlement of any disagreement arising from its application, interpretation or, as the case may be, the application of section 23.

c. R-10,
Schedule I,
am.

21. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 183-87 of 11 February 1987 and 639-87 of 29 April 1987, by section 83 of chapter 47 of the statutes of 1987 and by order in council 1888-87 of 16 December 1987, is again amended by adding the words "the Corporation d'urgences-santé de la région de Montréal Métropolitain who are not ambulance technicians" after the words "the Conférence des conseils régionaux de la santé et des services sociaux (CRSSS) du Québec (CCRSSQ)" in paragraph 1.

c. R-10,
Schedule III,
am.

22. Schedule III to the said Act, amended by order in council 639-87 of 29 April 1987, by section 85 of chapter 47 of the statutes of 1987 and by order in council 1888-87 of 16 December 1987, is again amended by adding the words "the Corporation d'urgences-santé de la région de Montréal Métropolitain in respect of the employees who are not ambulance technicians" after the words "the Conseil de la Science et de la Technologie" in paragraph 1.

Replacement
or employ-
ment stabi-
lization

23. Every employee of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain transferred to the Corporation d'urgences-santé de la région de Montréal Métropolitain shall keep the privilege, as long as he is in the employ of the Corporation, of requesting the application of any replacement or employment stabilization mechanism that would have been available to him if he had remained in the employ of the council, in accordance with the rules and procedures applicable at the time of his request.

Representa-
tion by
certified
associations

24. The certified associations of employees which, on the date of the transfer, represent employees referred to in section 18 who have been transferred from the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain to the Corporation d'urgences-santé de la région de Montréal Métropolitain, shall continue to represent those employees in accordance with the Labour Code.

Collective
agreements

The collective agreements in force at the time of the transfer and which apply to those associations of employees shall apply to the employees of the Corporation, according to the groups concerned, inasmuch as they are applicable. However, the collective agreement provisions referred to in section 23 apply only to an employee transferred from the council to the Corporation.

Emergency
medical
visits

25. The special agreement relating to health insurance and hospital insurance reached on 23 November 1981 concerning emergency medical visits in the Montréal Métropolitain region, as amended on 11 May 1982, shall continue to apply and to be binding

on the Corporation d'urgences-santé de la région de Montréal Métropolitain as if the Corporation were named therein in the place and stead of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain.

Contracts for
leasing of
ambulances

26. Notwithstanding section 149.16 of the Act respecting health services and social services, the Corporation d'urgences-santé de la région de Montréal Métropolitain shall negotiate by agreement, on the conditions determined by the Government, the initial contracts for the leasing of ambulances with any holder of an ambulance service permit who operates within its territory on (*insert here the date of coming into force of this section*).

Terms and
conditions

Where there is no agreement, the Government shall, by order, set the terms and conditions of such contracts.

Number of
ambulances

A contract made under this section shall stipulate the number of ambulances proposed by the owner, but it shall not exceed the number stipulated in the permit.

Insufficient
number of
ambulances

If the number of ambulances made available according to the contracts made under this section is insufficient to provide adequate ambulance services, the Corporation shall proceed in accordance with section 149.16 in respect of the required number of additional ambulances.

Effective
date of
contracts

27. The Corporation d'urgences-santé de la région de Montréal Métropolitain shall stipulate in every contract made under section 26 the effective date thereof which shall be the same for all contracts. The contracts may, however, have effect from 1 April 1988.

Copy

Upon making the contracts, the Corporation shall transmit a copy thereof to the Minister of Health and Social Services.

Revocation
of permits

On the date the contracts become effective, every ambulance service permit granted by the Minister or by the regional council for the territory of the Corporation is revoked, whether or not the holder of the permit is a party to any of the contracts.

Indemnity

28. The Minister shall determine, in respect of every holder of an ambulance service permit to whom the third paragraph of section 27 applies, the indemnity payable to him by reason of the revocation of his permit and shall notify him thereof.

Disagree-
ment

If the holder disagrees with the decision, he may notify the Minister thereof within 15 days of the decision.

- Arbitration board** The matter shall then be referred to an arbitration board made up of one member appointed by the claimant, one member appointed by the Minister and a third member, the chairman, appointed by the first two members.
- Costs** The costs of the arbitration board, except witnesses' costs and attorneys' fees, shall be borne by the Government. Each member of the arbitration board shall receive the remuneration fixed by the Government.
- Decision** The decision of the arbitration board shall be rendered within 30 days following the end of its sittings. The members participating in the decision shall sign it and state the reasons therefor. Where there is no majority, the chairman's report shall constitute the decision of the arbitration board.
- Applicability** Articles 940.2, 940.3, 940.5, 941.1 to 942.5, 942.7 to 943.2, 944.1 to 944.9, 945, 945.1 and 945.3 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required, apply to the arbitration board, subject to any incompatibility with the provisions of this section.
- Recourse** The indemnity paid under this section shall, for every holder to whom it is paid, stand in lieu of every right or recourse resulting from the revocation of his permit.
- Transfer of employees** **29.** The employees who, on 12 May 1988, are employed by a person mentioned in the schedule and who are ambulance technicians shall become, on the effective date of the contracts made under section 26, employees of the Corporation. Any such employee hired between 12 May 1988 and the date of transfer by a person mentioned in the schedule or by a person succeeding him, as the case may be, may also, with the approval of the Corporation, be transferred thereto.
- Agreement** The Corporation may enter into an agreement in respect of the transfer of such employees with the persons mentioned in the schedule or those who succeeded them. The agreement may include terms and conditions pertaining to the payment of the benefits, such as sick leave and holiday leave, accumulated by such employees pursuant to the provisions of the applicable collective agreements which are effective on the day of the transfer.
- Transfer of sums** **30.** The sums put at the disposal of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain for the operation of its emergency coordination centre and for the performance of its duties as regards ambulance services and medical

emergency interventions shall be transferred to the Corporation d'urgences-santé de la région de Montréal Métropolitain, to the extent determined by the Minister.

Coming into
force

31. The provisions of this Act will come into force on the date or dates to be fixed by the Government.

SCHEDULE

- (1) Les Ambulances Erna
- (2) Service d'Ambulance et de Sauvetage Baldwin-Cartier Inc.
- (3) Les Services d'Urgence C.A.L. Inc.
- (4) Ambulance Médic-I Inc.
- (5) Service ambulancier Lépine-Cloutier Ltée
- (6) Service ambulancier Médicapitale (Montréal) Ltée
- (7) Service ambulancier Action-Santé (Montréal) Ltée
- (8) Ambulance S.O.S. Enr.
- (9) Les Ambulances Trudeau Inc.
- (10) Services Ambulanciers Clau-Mar Inc.
- (11) Les Ambulances André Inc.
- (12) Les Ambulances F. & P. Inc.
- (13) Les Ambulances Hana Inc.
- (14) Les Ambulances Marcos Inc.
- (15) Resuscicar Inc.
- (16) 157886 Canada Inc.
- (17) S.O.S. Médecin Enr.
- (18) Service d'ambulances des Pins Inc.
- (19) Service Médical Interurbain Enr.
- (20) Service Médical Clau-Mar Enr.