



CHAPTER 3

An Act to amend the Civil Service Act

[Assented to 12 June 1981]

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

R.S.Q.,
c. F-3.1,
s. 8, am.

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 aimed at, for example, and without limiting the generality of the foregoing, women, members of cultural communities and handicapped persons;

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

R.S.Q.,
c. F-3.1,
s. 29,
replaced.

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.”

Powers of
the Com-
mission.

R.S.Q.,
c. F-3.1,
s. 50,
replaced.

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

Duties of
the
Office.

“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, in accordance with a regulation of the Minister of the Civil Service or a collective labour agreement;

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

Duties.

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

Approval
of regula-
tions.

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.”

R.S.Q.,
c. F-3.1,
s. 51,
replaced.

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

Delegation.

“51. The Office may delegate in writing to one of its civil servants the exercise of a function contemplated in paragraph *b* of section 50. 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.

Revocation.

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

R.S.Q.,
c. F-3.1,
s. 60,
replaced.

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

Placing
on
reserve.

“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.

Assignment
of new clas-
sification.

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 in conformity with a regulation of the Minister of the Civil Service or a collective labour agreement 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.”

R.S.Q.,
c. F-3.1,
s. 61,
replaced.

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

Classifica-
tion.

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

Admission.

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

Qualifica-
tions
for com-
petitions.

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.

Senior
staff.

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.”

R.S.Q.,
c. F-3.1,
s. 67,
replaced.

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

Recruit-
ment
and grade
advance-
ment.

“**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.

Selection.

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.

Appoint-
ments
from the
list.

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

Readjustment program.

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, appointments and promotions are made by selecting among persons of the same level according to the ranking order of the levels."

R.S.Q.,
c. F-3.1,
s. 68,
replaced.

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

Admission to competitions.

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

Recruitment by regions.

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.

Promotion by regions.

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.

Notices.

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.

Examination of applications.

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

R.S.Q.,
c. F-3.1,
s. 77,
replaced.

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

Appeal.

"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 thirty days of the sending 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.”

R.S.Q.,
c. F-3.1,
s. 79,
replaced.
Communi-
cation
of staff
movement.

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.”

Construc-
tion-
security
inspectors.

11. The persons who, from 1 January 1981, have been appointed by a resolution of the Commission de la santé et de la sécurité du travail as construction-security inspectors become, without other formality, civil servants within the meaning of the Civil Service Act, in the employ of the Commission de la santé et de la sécurité du travail.

Coming
into
force.

12. 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.