

Draft Regulations

Draft Regulation

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001; 1997, c. 27)

Commission des lésions professionnelles — Recruitment and selection of persons apt for appointment as commissioners and renewal of their term of office

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish a procedure for the recruitment and selection of persons apt for appointment as commissioners to the Commission des lésions professionnelles and a procedure for the renewal of their term of office as provided for in sections 388 to 391, 395 and 396 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), amended by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27).

In that respect, the draft Regulation proposes rules concerning the publication of a notice of vacant positions and its content, the documents and information to be forwarded by a candidate, the formation, composition and functioning of selection committees and the consultations that the committees may hold. The draft Regulation also proposes criteria to be taken into account by the selection committees to determine a candidate's aptitude.

The draft Regulation sets out rules on the content and forwarding of committee reports, the register of persons declared apt and the manner in which the recommendation of a person who has been declared apt for appointment as commissioner to the Commission des lésions professionnelles is to be made to the Government.

Moreover, the draft Regulation proposes that the Associate Secretary General for Senior Positions of the

Ministère du Conseil exécutif form a committee in the 12 months preceding the expiry of the term of office of a commissioner to determine whether the term of office should be renewed. The rules for the composition of selection committees will also apply to renewal committees.

To date, study of the matter has revealed no significant impact on businesses and the public.

Further information may be obtained by contacting Mr. Claude Verge, 900, place D'Youville, bureau 700, Québec (Québec) G1R 3P7; tel.: (418) 643-7129, fax: (418) 644-8237.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MATHIAS RIOUX,
Minister of Labour

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, ss. 388, 390, 391, 395 and 396; 1997, c. 27, s. 24)

DIVISION I NOTICE OF VACANT POSITIONS

1. Where one or more positions are vacant and cannot be filled by resorting to the list of persons already declared apt for appointment as commissioners to the Commission des lésions professionnelles, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publicly announce the vacant positions by a notice in a publication circulating throughout Québec, and shall invite interested persons to submit their candidacies for the position of commissioner of the Commission des lésions professionnelles.

2. The notice shall give

(1) a brief description of the duties of a commissioner;

(2) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and, where applicable, the qualifications, training and professional experience required for the Board;

(3) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and

(4) the deadline and address for submitting a candidacy.

3. A copy of the notice shall be sent to the Minister of Labour and to the chairman of the Board.

**DIVISION II
CANDIDACIES**

4. A person who wishes to submit his candidacy shall forward his résumé and the following information:

(1) his name, address, home telephone number and, if applicable, office telephone number;

(2) his date of birth;

(3) the nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications mentioned in the notice of vacant positions, when they were acquired and for how many years they were required;

(5) any penalty imposed under a statute or regulation, as well as the object of and the reasons for that penalty;

(6) where applicable, the names of his employers or partners over the past 10 years;

(7) where applicable, whether he has filed his candidacy for any such competition in the past 5 years;

(8) a summary of the reasons for his interest in performing the duties of commissioner of the Board.

The person shall also provide a written statement in which he agrees to a verification with a disciplinary

body, any professional order of which he is or was a member, his employers in the last 10 years, police authorities and, where applicable, in which he agrees that the persons, partnerships, organizations mentioned in section 14 may be consulted.

**DIVISION III
FORMATION OF A SELECTION COMMITTEE**

5. Following publication of the notice of vacant positions, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

(1) the chairman of the Board or, after consulting him, another commissioner of the Board;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère du Travail; and

(3) a representative of the groups concerned who is neither an advocate nor a notary and a representative of the legal community or one of them.

6. Where his impartiality could be questioned, a member of the committee shall withdraw in regard to a candidate, particularly in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the applicant by birth or marriage, to the degree of first cousin inclusively;

(3) the member is or was a partner, employer, employee of the candidate in the last 10 years; notwithstanding the foregoing, a member who is in the public service must withdraw in regard to a candidate only if he is or was the employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

7. The members of the committee are required to take the oath of discretion provided for in Schedule A.

8. A person may be appointed to more than one committee at the same time.

9. Travel and accommodation expenses of the committee members shall be reimbursed in accordance with Décret 2500-83 dated 30 November 1983 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, as amended.

In addition to the reimbursement of their expenses, the committee members who are neither commissioners of the Board nor employees of a government department or agency are entitled to fees of \$100 per half-day of sitting which they attend.

DIVISION IV FUNCTIONING OF THE SELECTION COMMITTEE

10. The list of candidates and their records shall be sent to the chairman of the selection committee.

11. The committee shall analyze the candidates' records and shall retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

12. The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

13. The committee's report shall list the candidates that were turned down, giving the reasons therefor.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line supervisor of the candidate;

(2) any legal person, partnership or professional association of which the candidate is or was a member.

15. The selection criteria that the committee shall take into account in determining a candidate's aptitude are

(1) the candidate's personal and intellectual qualities;

(2) the candidate's experience and the relevancy of that experience in relation to the duties of the Board;

(3) the extent of the candidate's knowledge or skills in view of the required qualifications, training and professional experience stated in the notice of vacant positions;

(4) the candidate's ability to carry out adjudicative functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the candidate's conception of the duties of a commissioner of the Board.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

16. Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote.

17. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) the names of the candidates with whom the committee met and whom it declared apt to be appointed as commissioners to the Board, their profession and the particulars concerning their work place;

(2) any comments that the committee considers expedient, especially with respect to the particular characteristics or qualifications of the candidates considered apt.

That report shall be submitted to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

18. Wherever possible, the committee shall declare apt a number of candidates normally corresponding to at least twice the number of vacant positions.

19. A member may register his dissent with respect to all or part of the report.

DIVISION VII REGISTER OF DECLARATIONS OF APTITUDE

20. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the candidates to inform them that they have been declared apt or inapt to be appointed as commissioners to the Board.

21. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall keep the register of declarations of aptitude up-to-date and shall enter therein the list of the candidates declared apt to be appointed as commissioners to the Board.

He shall strike out an entry upon the expiry of the validity period of the declaration of aptitude, or where the person is appointed as commissioner to the Board, dies or asks to be withdrawn from the register.

22. As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list to the Minister of Labour.

DIVISION VIII RECOMMENDATION

23. The Minister of Labour, having consulted the Conseil consultatif du travail et de la main-d'oeuvre, shall recommend to the Government the name of a person who has been declared apt to be appointed as commissioner to the Board.

Where the vacant position is that of chairman or vice-chairman of the Board, the Minister of Labour, having consulted the Conseil consultatif du travail et de la main-d'oeuvre, shall recommend to the Government the name of a commissioner of the Board or the name of a person declared apt to be appointed as commissioner to the Board.

24. If, after receiving the selection committee's report and considering the list of persons apt to be appointed as commissioners, the Minister of Labour is of the opinion that he cannot, in the interests of, and to best carry out the duties of the Board, recommend an appointment, he shall then ask the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to have a new notice of vacant positions published, in accordance with Division I.

The committee that submitted a report following the first notice is competent to evaluate the candidates who submitted their candidacy after the second notice and to report to the Minister.

DIVISION IX RENEWAL OF TERMS OF OFFICE

25. In the 12 months before the expiry of a commissioner's term of office, the Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a committee to examine the renewal thereof. Sections 5 to 9 apply.

The committee shall then determine whether the candidate still fulfils the criteria set out in section 15, taking into account the needs of the Board, and may hold the consultations provided for in section 14 on any matter in a candidate's record.

Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

DIVISION X CONFIDENTIALITY

26. The names of candidates, the reports of selection or renewal committees, the list of candidates declared apt to be appointed as commissioners to the Board, as well as any information or document related to a consultation or decision by a committee, are confidential.

27. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE A (s. 7)

OATH OF DISCRETION

I,.....,
(name)

declare under oath and solemnly affirm that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office.

.....
(signature)

Sworn before me at
on this

Commissioner for oaths

2027