



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 69

(2004, chapter 25)

An Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions

Introduced 3 November 2004

Passage in principle 23 November 2004

Passage 10 December 2004

Assented to 14 December 2004

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EXPLANATORY NOTES

This bill amends the Act respecting the Bibliothèque nationale du Québec and the Archives Act in order to entrust the responsibilities presently exercised by the Minister of Culture and Communications as regards archive-related matters and those of the Keeper of the Archives nationales du Québec, in addition to the responsibilities exercised until now by the Bibliothèque nationale du Québec, to a new institution called Bibliothèque et Archives nationales du Québec. The bill also confers on Bibliothèque et Archives nationales du Québec the mission of preserving the Québec film heritage.

As well, the bill replaces the title of the Act respecting the Bibliothèque nationale du Québec by “Act respecting Bibliothèque et Archives nationales du Québec”. The bill also introduces the changes needed to reflect the different responsibilities of Bibliothèque et Archives nationales du Québec, including those attendant to the mandatory legal deposit of a copy of all Québec films provided for in the bill.

The bill modifies the make-up of the board of governors of the Bibliothèque nationale du Québec in consideration of the institution’s new missions and contains the transitional provisions necessary to transfer the rights and obligations and the employees of the Direction générale des Archives nationales of the Ministère de la Culture et des Communications to Bibliothèque et Archives nationales du Québec.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Cultural Property Act (R.S.Q., chapter B-4);
- Cinema Act (R.S.Q., chapter C-18.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

Bill 69

AN ACT TO AMEND THE ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC, THE ARCHIVES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.2) is replaced by the following title:

“ACT RESPECTING BIBLIOTHÈQUE ET ARCHIVES NATIONALES
DU QUÉBEC”.

2. Section 1 of the said Act is amended

(1) by replacing “A library” in the first paragraph by “Bibliothèque et Archives nationales du Québec” and by striking out “under the name of “Bibliothèque nationale du Québec”” in that paragraph;

(2) by striking out the second paragraph;

(3) by replacing “The library” in the third paragraph by “Bibliothèque et Archives nationales du Québec”.

3. Section 2 of the said Act is replaced by the following section:

“**2.** Bibliothèque et Archives nationales is a mandatary of the State.

Its property forms part of the domain of the State, but the performance of its obligations may be levied against its property other than documents or the property forming part of its collections.

Bibliothèque et Archives nationales binds none but itself when it acts in its own name.”

4. Section 3 of the said Act is amended

(1) by replacing “The library and the head office of the library” in the first line of the first paragraph by “The head office of Bibliothèque et Archives nationales”;

(2) by adding the following paragraph at the end:

“Bibliothèque et Archives nationales shall have offices in Montréal, in the city of Québec and elsewhere in Québec.”

5. Section 4 of the said Act is amended

(1) by replacing the words “the library” wherever they appear, except in the expression “the library sector”, by “Bibliothèque et Archives nationales”;

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) six persons, including the chair, appointed by the Government on the recommendation of the Minister of Culture and Communications. One of these persons must be employed in the field of document management within the public administration and another must be from the film sector;”;

(3) by replacing “five” in the first line of subparagraph 1.1 of the first paragraph by “four” and by replacing “Three of the persons appointed must be librarians. Among the latter, one librarian must be a specialist in the area of preservation and another in the area of dissemination” in the last three lines of that subparagraph by “Two of the persons appointed must be librarians, one a specialist in the area of preservation and the other, in the area of dissemination”;

(4) by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) two persons from the archival sector, appointed by the Government on the recommendation of the Minister of Culture and Communications and after consultation with that sector;”.

6. Section 5 of the said Act is amended by replacing “, 1.1 and” in the first line of the second paragraph by “to”.

7. Section 11 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**11.** The members of the personnel of Bibliothèque et Archives nationales shall be appointed according to the staffing plan and the standards it establishes by by-law. The staffing plan shall include at least three senior management positions, one responsible for the preservation mission, one responsible for the dissemination mission and the other for the archival mission. The latter shall bear the title of “Keeper of the Archives nationales du Québec” and the office of the Keeper shall be located in the city of Québec.”;

(2) by replacing “the library” in the first line of the second paragraph by “Bibliothèque et Archives nationales”.

8. Section 13 of the said Act is amended

(1) by replacing “The library” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by adding “and at least one other must be from the archival sector” at the end of subparagraph 1 of the second paragraph;

(3) by replacing “the library” in subparagraph 2 of the second paragraph by “Bibliothèque et Archives nationales”.

9. The heading of Chapter II of the said Act is amended by replacing “MISSION” by “MISSIONS”.

10. Section 14 of the said Act is amended

(1) by replacing “the library” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by replacing “the library” in the first line of the second paragraph by “Bibliothèque et Archives nationales” and by replacing “Québec’s national documentary heritage” in the first and second lines of that paragraph by “the documentary heritage formed by its collections”;

(3) by replacing “the library” in the first line of the third paragraph by “Bibliothèque et Archives nationales”.

11. The said Act is amended by inserting the following section after section 15:

“15.1. The mission of Bibliothèque et Archives nationales is also to guide, support and advise public bodies as regards the management of their documents, ensure the permanent preservation of public archives, facilitate access to them and foster their dissemination. Bibliothèque et Archives nationales is also responsible for promoting the preservation and accessibility of private archives.

For that purpose, Bibliothèque et Archives nationales shall exercise its powers and duties under the Archives Act (chapter A-21.1). It may also provide research support services in the area of archives and contribute to developing and enhancing the international influence of Québec’s documentary expertise and heritage.”

12. Section 16 of the said Act is amended

(1) by replacing “the library” in the first line of the first paragraph by “to fulfill its missions, Bibliothèque et Archives nationales”;

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) acquire, lend, borrow, preserve and restore documents and, except in the case of archives, alienate, rent and exchange documents;”;

(3) by replacing “its mission” in the second and third lines of subparagraph 4 of the first paragraph by “its missions”.

13. Section 17 of the said Act is amended

(1) by replacing “The library” in the first line of the first paragraph by “Bibliothèque et Archives nationales” and by replacing “the library, both as regards its preservation mission and its dissemination mission” in the third and fourth lines of that paragraph by “Bibliothèque et Archives nationales as regards each of its missions”;

(2) by replacing “the library” in the second line of the fourth paragraph by “Bibliothèque et Archives nationales”.

14. Section 19 of the said Act is amended

(1) by replacing “The library” in the first line of the first paragraph by “For all published documents other than films, Bibliothèque et Archives nationales”, by replacing “the library” in the third line of that paragraph by “Bibliothèque et Archives nationales” and by replacing “of the library” in the second line of that paragraph by “in its possession”;

(2) by replacing “The library” in the second paragraph by “Bibliothèque et Archives nationales”.

15. Section 20 of the said Act is amended by inserting “In addition to the exceptions it contains regarding archives,” at the beginning and by replacing “a document acquired, rented, received in exchange or borrowed by the library” in the second and third lines by “a published document acquired, rented, received in exchange or borrowed by Bibliothèque et Archives nationales”.

16. The heading of Chapter II.1 of the said Act is replaced by the following heading:

“LEGAL DEPOSIT”.

17. The said Act is amended by inserting the following after the heading of Chapter II.1:

“DIVISION I**“GENERAL PROVISIONS**

“20.0.1. Legal deposit is the deposit of a published document with Bibliothèque et Archives nationales, in accordance with this chapter.

“20.0.2. Legal deposit transfers the ownership of the document to Bibliothèque et Archives nationales.

“DIVISION II**“DOCUMENTS OTHER THAN FILMS”.**

18. Section 20.2 of the said Act is replaced by the following section:

“20.2. This division does not apply to a film within the meaning of section 2 of the Cinema Act (chapter C-18.1).”

19. Section 20.3 of the said Act is repealed.

20. Section 20.9 of the said Act is amended by replacing “This chapter” in the first line by “This division”.

21. The said Act is amended by inserting the following division after section 20.9:

“DIVISION III**“FILMS**

“20.9.1. Subject to any contrary provision of a regulation, the producer of a Québec film shall deposit, free of charge, a copy of the film with Bibliothèque et Archives nationales within six months of its first public exhibition in its final version.

“20.9.2. A Québec film is a film within the meaning of section 2 of the Cinema Act produced by a person domiciled in Québec or whose principal establishment is situated in Québec within the meaning of the second and third paragraphs of section 104 of that Act.

The producer is the person responsible for decision making throughout production of the film; in addition, in the case of a coproduction, the producer must also be the main investor in the film.

“20.9.3. In order to ensure its permanent preservation, the film deposited must meet the standards of quality determined by regulation.

“20.9.4. The producer shall indicate on every film deposited or its container the particulars concerning the deposit that are required by regulation.

The producer shall also provide a descriptive card containing the information determined by regulation.

“20.9.5. Bibliothèque et Archives nationales may give a mandate to preserve the films deposited under this division to the Cinémathèque québécoise or, with the authorization of the Minister, to any other film library recognized under the Cinema Act.

An agreement entered into with a film library shall determine the conditions of management, preservation and consultation of the documents deposited. The agreement shall be submitted to the Minister for approval.”

22. Section 20.10 of the said Act is amended

(1) by replacing “the library” in the first and second lines by “Bibliothèque et Archives nationales”;

(2) by inserting “, other than films,” after “documents” in the first line of paragraph 1;

(3) by replacing “publishers from the requirement to deposit” in the first line of paragraph 3 by “from mandatory deposit” and by inserting “, other than a film,” after “document” in the second line of that paragraph;

(4) by inserting “, other than films,” after “documents” in the first line of paragraph 4 and by replacing “the library” in the fourth line of that paragraph by “Bibliothèque et Archives nationales”;

(5) by adding “as well as the information that must be indicated on the descriptive card required when the film is deposited” at the end of paragraph 5;

(6) by inserting the following paragraph after paragraph 5:

“(5.1) determine appropriate quality standards for each category of films deposited;”;

(7) by replacing “5” in the second line of paragraph 6 by “5.1”.

23. The said Act is amended by adding the following section after section 20.12:

“20.12.1. Every producer of a Québec film who or which contravenes section 20.9.1 or a regulatory provision made under paragraph 5 or 5.1 of section 20.10 the contravention of which constitutes an offence under paragraph 6 of that section is guilty of an offence and is liable to a fine of \$500 to \$2,000.”

24. Section 27 of the said Act is amended

(1) by replacing “the library” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by replacing “its preservation mission and its dissemination mission” at the end of the second paragraph by “each of its missions”.

25. Sections 2.1, 7, 12, 15, 18, 20.1, 20.6, 20.7, 21, 22, 23, 24, 25, 26, 26.1, 29 and 31 of the said Act are amended by replacing the words “The library” and “the library” wherever they appear by “Bibliothèque et Archives nationales”.

26. Section 32 of the said Act is repealed.

ARCHIVES ACT

27. Section 2.1 of the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing “to which the Act respecting the Bibliothèque nationale du Québec (chapter B-2.1) applies” by “that are subject to legal deposit under the Act respecting Bibliothèque et Archives nationales du Québec (chapter B-2.2)”.

28. Section 4 of the said Act is amended

(1) by replacing “The Minister of Culture and Communications shall adopt” in the first line of the first paragraph by “Bibliothèque et Archives nationales du Québec shall establish”;

(2) by replacing “Conseil du trésor” in the second paragraph by “Government”;

(3) by replacing “The Keeper of the Archives nationales du Québec” in the first line of the third paragraph by “Bibliothèque et Archives nationales”;

(4) by striking out the last sentence of the third paragraph.

29. Section 5 of the said Act is amended

(1) by replacing “The Minister” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by replacing the second paragraph by the following paragraph:

“The management policy requires the prior approval of the Minister of Culture and Communications.”

30. Section 8 of the said Act is amended

(1) by replacing “to the Minister” in the first and third paragraphs by “to Bibliothèque et Archives nationales”;

(2) by replacing “to the Minister for his information” in the second and third lines of the second paragraph by “to Bibliothèque et Archives nationales for its information”.

31. Section 9 of the said Act is amended

(1) by replacing “The Minister” in the first line of the first paragraph by “Bibliothèque et Archives nationales” and by replacing “him” in the second line by “it”;

(2) by replacing “of the Minister” in the first line of the second paragraph by “of Bibliothèque et Archives nationales”.

32. Section 10 of the said Act is amended by replacing “The Minister” in the first line of the first and second paragraphs by “Bibliothèque et Archives nationales” and by replacing “his” in the first line of the second paragraph by “its”.

33. Section 11 of the said Act is amended by replacing “the Minister” in the first line by “Bibliothèque et Archives nationales”.

34. Section 12 of the said Act is amended by replacing “the Keeper” in the second line of the second paragraph and “him” in the second and third lines by “Bibliothèque et Archives nationales”.

35. Section 14 of the said Act is amended

(1) by replacing “The Minister shall adopt” in the first line of the first paragraph by “Bibliothèque et Archives nationales shall establish”;

(2) by inserting the following paragraph after the first paragraph:

“The management policy requires the prior approval of the Minister.”;

(3) by replacing “The Keeper” in the first line of the second paragraph by “Bibliothèque et Archives nationales”.

36. Section 15 of the said Act is amended

(1) by replacing “to the Keeper” in the second line of the first paragraph by “to Bibliothèque et Archives nationales”;

(2) by replacing “the Keeper” and “him” in the second line of the second paragraph by “Bibliothèque et Archives nationales”.

37. Section 16 of the said Act is amended

(1) by replacing “the Minister” in the first and second lines of the first paragraph by “Bibliothèque et Archives nationales” and by replacing “have been transferred to the Keeper” in the third and fourth lines of that paragraph by “have been transferred to Bibliothèque et Archives nationales”;

(2) by replacing “The Minister” in the first line of the second paragraph by “Bibliothèque et Archives nationales”.

38. Section 17 of the said Act is amended

(1) by replacing “to the Keeper” in the second line of the first paragraph by “to Bibliothèque et Archives nationales”;

(2) by replacing “the Keeper” in the fourth and fifth lines of the second paragraph by “Bibliothèque et Archives nationales”.

39. Section 21 of the said Act is repealed.

40. Section 22 of the said Act is amended

(1) by replacing “to the Minister” in the first line of the first paragraph by “to Bibliothèque et Archives nationales”;

(2) by replacing “The Minister” in the first line of the second paragraph by “Bibliothèque et Archives nationales” and by replacing “and by the Minister.” at the end of that paragraph by “and those determined by Bibliothèque et Archives nationales in accordance with the guidelines set by the Minister.”

41. Section 23 of the said Act is repealed.

42. Section 24 of the said Act is amended by replacing the words “The Minister” in the first line by “Bibliothèque et Archives nationales” and by replacing “the Minister” in the third line by “Bibliothèque et Archives nationales”.

43. Section 26 of the said Act is amended by replacing “to the Keeper” in the first and second lines of the first paragraph by “to Bibliothèque et Archives nationales” and by replacing “him” in the third line of that paragraph and “the Keeper or” in the fourth line of that paragraph by “Bibliothèque et Archives nationales or the”.

44. Section 27 of the said Act is amended by replacing “to the Keeper” in the first line of the first paragraph by “to Bibliothèque et Archives nationales”.

45. Section 29 of the said Act is repealed.

46. Section 30 of the said Act is amended

(1) by replacing “The Keeper” in the first line by “Bibliothèque et Archives nationales”;

(2) by inserting “with the authorization of the Minister,” at the beginning of paragraphs 2 and 3.

47. The said Act is amended by inserting the following section after section 30:

“30.1. Bibliothèque et Archives nationales may provide financial or technical assistance to an accredited private archival agency or for the carrying out of archive-related activities.

The conditions, scales and limits of the financial assistance program shall be submitted to the Minister for approval.”

48. Section 32 of the said Act is amended

(1) by replacing “The Keeper” in the first line of the first paragraph by “The Keeper of the Archives nationales du Québec or any other person authorized for that purpose by Bibliothèque et Archives nationales”;

(2) by replacing “the Keeper” in the first line of the second paragraph by “the Keeper or such an authorized person”.

49. Section 33 of the said Act is amended by inserting “or any other person authorized for that purpose by Bibliothèque et Archives nationales” after “The Keeper” in the first line.

50. Section 34 of the said Act is amended by replacing “the Attorney General, a person generally or specially authorized by him for that purpose” in the first and second lines of the second paragraph by “Bibliothèque et Archives nationales” and by replacing “the Minister” in the fourth line of that paragraph by “Bibliothèque et Archives nationales”.

51. Section 35 of the said Act is amended by replacing “The Minister” in the first line by “Bibliothèque et Archives nationales”, “he” in that line by “it”, “he” in the third line by “Bibliothèque et Archives nationales” and “his” in that line by “its” and by replacing “or his power to enter into an agreement contemplated in section 16” in the fourth and fifth lines of that paragraph by “, its power to enter into an agreement under section 16 or its power to authorize the disposal of documents under the second paragraph of section 18”.

52. Section 36 of the said Act is repealed.

53. Section 37 of the said Act is amended by replacing “to the Keeper of the Archives nationales du Québec” in the third and fourth lines of subparagraph 2 of the first paragraph by “to Bibliothèque et Archives nationales”.

54. Sections 6, 18, 25 and 31 of the said Act are amended by replacing the words “The Keeper” and “the Keeper” wherever they appear by “Bibliothèque et Archives nationales”; section 18 is further amended by replacing “he” in the second paragraph by “it”; section 25 is further amended by inserting “the” before “public body” in the second paragraph; section 31 is further amended by replacing “he” in the third line by “it”.

55. Section 43 of the said Act is amended by replacing “the Minister, the Keeper or a person designated under section 35 or 36” in the first and second lines by “Bibliothèque et Archives nationales or the Keeper or a person designated under section 35” and by replacing “his” in the second line by “their” and “him” in the third line by “them”.

56. Section 45 of the said Act is amended by replacing “of the Keeper” in the first line of the second paragraph by “of Bibliothèque et Archives nationales”.

57. Sections 47 to 53 and 87 of the said Act are repealed.

OTHER AMENDMENTS

58. Section 79 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing “to the Keeper of the Archives nationales du Québec” in the second line of the first paragraph by “to Bibliothèque et Archives nationales”.

59. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by replacing “Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

60. Section 7.6 of the Cultural Property Act (R.S.Q., chapter B-4) is amended by replacing “and the management of the public and private archives” in the third and fourth lines of the first paragraph by “and on any matter relating to archives”.

61. Section 7 of the Cinema Act (R.S.Q., chapter C-18.1) is repealed.

62. Division VI of Chapter II of the said Act, which comprises sections 73 to 75, is repealed.

63. Section 71.2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by replacing “to the Keeper of the Archives” in the second line of the first paragraph by “to Bibliothèque et Archives”;

(2) by replacing “the Keeper of the Archives” in the second line of the third paragraph by “Bibliothèque et Archives” and “the Keeper” in that line by “Bibliothèque et Archives nationales”.

64. Section 71.3 of the said Act is amended by replacing “to the Keeper of the Archives nationales du Québec” in the second line by “to Bibliothèque et Archives nationales”.

65. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), amended by Order in Council 464-2004 dated 12 May 2004, is again amended by replacing “The Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

66. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “the Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

67. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing “the Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

TRANSITIONAL AND FINAL PROVISIONS

68. Bibliothèque et Archives nationales du Québec is substituted for the Minister of Culture and Communications as regards archival management and for the Keeper of the Archives nationales du Québec. It acquires the rights and assumes the obligations of the Minister and the Keeper.

69. The records and other documents of the Ministère de la Culture et des Communications concerning archives and the records and other documents of the Keeper become records and documents of Bibliothèque et Archives nationales du Québec, to the extent determined by the Minister.

The documents deposited with the Keeper are transferred to Bibliothèque et Archives nationales.

70. Unless the context indicates otherwise, in any text or document,

(1) a reference to the Minister of Culture and Communications concerning the national archives of Québec is a reference to Bibliothèque et Archives nationales du Québec;

(2) a reference to the Bibliothèque nationale du Québec or to the Keeper of the Archives nationales du Québec is a reference to Bibliothèque et Archives nationales du Québec; and

(3) a reference to the Act respecting the Bibliothèque nationale du Québec is a reference to the Act respecting Bibliothèque et Archives nationales du Québec.

71. The management policies for the active, semi-active and inactive documents of public bodies established by the Minister of Culture and Communications before (*insert the date of coming into force of this section*) are deemed to be policies adopted under the new provisions of sections 4 and 14 of the Archives Act, enacted by sections 28 and 35.

72. The new provisions regarding the legal deposit of Québec films, enacted by section 21, do not apply to films whose first public exhibition was held before (*insert the date of coming into force of section 21*).

73. The term of office of the members other than the chair appointed under section 4 of the Act respecting the Bibliothèque nationale du Québec in office on (*insert the date preceding the date of coming into force of this section*) ends on that date.

74. The employees of the Direction générale des Archives nationales of the Ministère de la Culture et des Communications in office on (*insert the date preceding the date of coming into force of this section*) become employees of Bibliothèque et Archives nationales, subject to the conditions of employment applicable to them and provided that a decision providing for their transfer is made by the Conseil du trésor before (*insert the date occurring 24 months after the date of coming into force of this section*).

75. An employee transferred to Bibliothèque et Archives nationales under section 74 who, on the date of the transfer, was a public servant with permanent tenure within the Ministère de la Culture et des Communications may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Section 35 of the Public Service Act applies to an employee who takes part in such a competition for promotion.

76. An employee referred to in section 75 who applies for a transfer or takes part in a competition for promotion may ask the chair of the Conseil du trésor for an assessment of the classification the employee would be assigned in the public service. The assessment must take into account the employee's classification on the date of the transfer and the experience and formal training acquired in the course of employment with Bibliothèque et Archives nationales.

If an employee is transferred under section 75, the deputy minister or chief executive officer determines the employee's classification in accordance with the assessment provided for in the first paragraph.

If an employee is promoted under section 75, the classification assigned to the employee must take into account the criteria set out in the first paragraph.

77. In the event of a partial or total discontinuance of the operations of Bibliothèque et Archives nationales or a shortage of work, an employee referred to in section 75 is entitled to be placed on reserve in the public service with the classification held before the date of transfer.

In that case, the chair of the Conseil du trésor determines the employee's classification taking into account the criteria set out in the first paragraph of section 76.

78. A person who, in accordance with the applicable conditions of employment, refuses to be transferred to Bibliothèque et Archives nationales is assigned to Bibliothèque et Archives nationales until the chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person placed on reserve under section 77, which person remains in the employ of Bibliothèque et Archives nationales.

79. Subject to the remedies available under a collective agreement, an employee referred to in section 75 whose employment is terminated may bring an appeal under section 33 of the Public Service Act.

80. This Act comes into force on the date or dates set by the Government.