

Draft Regulation

Professional Code
(chapter C-26)

Sexologists

— Diplomas which give access to permits

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) in order to introduce diplomas which give access to the permit of the Ordre professionnel des sexologues du Québec, constituted by letters patent issued under Order in Council 941-2013 dated 11 September 2013.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre professionnel des sexologues du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with educational institutions and other bodies concerned.

Further information may be obtained by contacting Isabelle Beaulieu, Director General and Secretary, Ordre professionnel des sexologues du Québec, 4126, rue Saint-Denis, bureau 300, Montréal (Québec) H2W 2M5; telephone: 438 386-6777 or 1-855-386-6777, extension 222; email: isabelle.beaulieu@opsq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Ordre professionnel des sexologues du Québec and to interested persons, departments and bodies.

BERTRAND ST-ARNAUD,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended by inserting the following after section 1.34:

“**1.35.** The Baccalauréat en sexologie (B.A.), the Maîtrise en sexologie (concentration clinique) (M.A.) and the Maîtrise en sexologie (concentration recherche-intervention) (M.A.) from the Université du Québec à Montréal give access to the permit issued by the Ordre professionnel des sexologues du Québec.»

2. Section 7 of the Letters patent constituting the Ordre professionnel des sexologues du Québec (chapter C-26, r. 222.2) remains applicable to persons who, on (insert the date of coming into force of this Regulation), hold one of the diplomas referred to therein or are registered in a program enabling them to obtain one of those diplomas.

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

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Draft Regulation

Public Service Act
(chapter F-3.1.1)

Qualification process and qualified persons

Notice is hereby given, in accordance with the second paragraph of section 50.1 of the Public Service Act (chapter F-3.1.1), that the Regulation respecting the qualification process and qualified persons, appearing below, may be made by the Conseil du trésor with or without amendment on the expiry of 30 days following this publication.

The draft Regulation determines the rules applicable to a qualification process in the public service and to qualified persons. A qualification process will result in the constitution of banks of qualified persons that will replace the lists of candidates declared qualified (LDA)

issued following competitions. The stages of a qualification process are the same as those for a competition. The qualification process is different from a competition in that it offers the possibility to proceed on a continuous basis through all the stages of the process. It will be possible to post an invitation for applications, to register candidates, to verify eligibility, to evaluate candidates, to register them in a bank of qualified persons and to appoint them in a continuous manner without waiting for the end of the qualification process for all candidates.

Further information may be obtained by contacting Catherine Asselin, Secrétariat du Conseil du trésor, édifice H, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4678; fax: 418 644-4938; email: catherine.asselin@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to Dominique Gauthier, Associate Secretary, Politiques de ressources humaines et relations de travail, Secrétariat du Conseil du trésor, édifice H, 875, Grande Allée Est Québec (Québec) G1R 5R8.

STÉPHANE BÉDARD,
*Minister responsible for Government Administration
and Chair of the Conseil du trésor*

Regulation respecting the qualification process and qualified persons

Public Service Act
(chapter F-3.1.1, ss. 50.1 and 53; 2013, chapter 25,
ss.14, 15 and 37)

CHAPTER I OBJECT

1. This Regulation prescribes, for recruitment and promotion, rules applicable to a qualification process held under the Public Service Act (chapter F-3.1.1).

It also prescribes rules applicable to persons whose eligibility is established by a qualification process, hereinafter called qualified persons.

CHAPTER II QUALIFICATION PROCESS

DIVISION I GENERAL

2. A qualification process includes, from the publication of an invitation for applications to the qualification of a person, all the stages at the end of which a person becomes qualified.

3. The duties related to the holding of a qualification process may be performed in whole or in part by an evaluation committee or a resource person. An evaluation committee or a resource person makes recommendations in writing.

A person who is a member of an evaluation committee or a resource person is selected on the basis of the person's knowledge of the position for which the qualification process is held, experience in personnel management or selection of personnel or professional competence.

4. The following may not act as members of an evaluation committee or as resource persons:

- (1) staff of the Lieutenant-Governor's office;
- (2) staff of a minister's office;
- (3) staff of the office of a person covered by the first paragraph of section 124.1 of the Act respecting the National Assembly (chapter A-23.1);
- (4) Members of the National Assembly and their staff.

DIVISION II FILING OF APPLICATIONS

5. The application period for a qualification process is indicated in the invitation for applications.

The period may be of a limited duration or an unspecified duration. Where the duration is limited, it is at least 8 days. Where the duration is unspecified, a notice indicating the date of the end of the application period must be published at least 8 days before that date.

6. An application must be filed in writing and must contain the information required in the invitation for applications.

7. An application received after the application period is not considered unless an unforeseeable event has had the effect of delaying the reception.

8. A person registered in a bank of qualified persons is not accepted at a qualification process for increasing the number of persons registered in that bank.

DIVISION III ELIGIBILITY

9. A person must, at the time of the application, meet the conditions of eligibility set forth in the invitation for applications including, where applicable, belonging to a geographical area, an administrative unit or a group of administrative units.

§1. *Geographical areas and administrative units*

10. In a qualification process for promotion, eligibility may be restricted to persons belonging to a geographical area for which the process is held.

The following areas constitute geographical areas for the purposes of this Regulation:

(1) a regional area corresponding to a region described in the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1);

(2) a local area corresponding to a municipality governed by any Act, an unorganized territory or an Indian reserve;

(3) a regional area to which is added another local or regional area;

(4) a local area to which is added another local area.

A person is considered to belong to a geographical area when the person's principal residence or base is located in that area.

11. Where a qualification process for promotion is held, eligibility may be restricted to persons belonging to the administrative unit for which the process is held and to persons placed on reserve who would belong to that administrative unit had they not been placed on reserve.

Eligibility may also be restricted to persons belonging to a group of administrative units and to persons placed on reserve who would belong to those administrative units had they not been placed on reserve.

For the purposes of this Regulation, an administrative unit is a department and the bodies under the responsibility of the minister of that same department or the National Assembly and the bodies under its responsibility.

Despite the third paragraph, the following are separate administrative units:

(1) the Commission de la santé et de la sécurité du travail;

(2) the Société de l'assurance automobile du Québec;

(3) the Régie de l'assurance maladie du Québec;

(4) the Régie des rentes du Québec;

(5) the Sûreté du Québec.

12. Eligibility to a qualification process for promotion may be restricted to a geographical area, an administrative unit or a group of administrative units in consideration of the following criteria:

(1) the mobility of the available labour force;

(2) a sufficient number of persons likely to meet the eligibility conditions;

(3) the characteristics of the position to be filled.

13. Despite sections 10 and 11, and under the circumstances provided for in an affirmative action program or in a program designed to ensure the hiring of handicapped persons, the eligibility of a person covered by the program may not be restricted because the person belongs to a geographical area, an administrative unit or a group of administrative units other than that set forth in the conditions of eligibility.

§2. *Determination of eligibility*

14. Eligibility of a person is determined by studying the person's application form and the determination must be made before the person may be called to an evaluation.

15. A person who meets the conditions of eligibility is only presumed eligible until the person provides the documents required by the invitation for applications.

16. The documents enabling to confirm eligibility may be requested at any time provided they are verified before the appointment of a person, failing which there cannot be an appointment.

Failure to provide the documents within the period allowed results in the rejection of the candidacy.

DIVISION IV EVALUATION

17. The evaluation procedure is comprised of one or more evaluation tools.

An evaluation tool may be comprised of one or more examinations.

18. A qualification process must be comprised of examinations the content of which is identical or equivalent.

The content of the examinations is equivalent when the following 4 conditions are met:

(1) the criteria evaluated and the attributes measured are the same for each examination;

(2) the same type of questions is used;

(3) the same task is required of the person evaluated;

(4) the level of difficulty of the examinations is similar.

19. Knowledge of a language other than French may be a criterion for disqualifying applicants in a qualification process only where such knowledge is considered essential to the carrying out of certain duties of the position.

20. Except in the case of the evaluation of the knowledge of a language other than French, an evaluation tool may be disqualifying only if it meets any of the following conditions:

(1) it counts for at least 25% of the value of the evaluation procedure;

(2) it allows the evaluation of at least one-quarter of the criteria selected for the evaluation procedure.

21. The pass mark for an evaluation tool used in a qualification process is set at the first evaluation of persons.

22. In setting the pass mark for an evaluation tool, the following criteria are considered:

(1) the recommendation submitted concerning the pass mark prior to the application of the tool;

(2) an analysis of the results available;

(3) the value of the tool with respect to the value of the evaluation procedure;

(4) the estimate of the number of positions to be filled.

23. A person who fails to obtain a pass mark is eliminated from the qualification process.

24. The result a person obtains in an examination or part of an examination during a qualification process or an assessment of qualifications may be transferred to any qualification process where the following 2 conditions are met:

(1) the content of the examinations or parts of examination is identical or equivalent;

(2) the period between the dates of those examinations or parts of examination does not exceed 12 months.

25. For a same bank of qualified persons, the qualification processes must be comprised of the evaluation tools evaluating the same criteria.

CHAPTER III BANKS OF QUALIFIED PERSONS

26. A bank of qualified persons is constituted as soon as a person declared qualified is registered therein.

The registration of a person in a bank of qualified persons must be approved by a person authorized to do so.

27. A bank of qualified persons may only be used for the purposes set forth in the invitation for applications.

28. The addition of persons, by a new qualification process, to a bank of qualified persons is possible provided that the following conditions are met:

(1) the positions concerned belong to the same class of positions;

(2) the duties are similar;

(3) the conditions of eligibility are of the same level and no more restrictive than those previously published;

(4) the other declared uses of the bank are identical.

29. A bank of qualified persons terminates when one of the following circumstances is ascertained:

(1) the minimum conditions of a class of positions are revised upwards;

(2) there is no longer any appropriateness of the evaluation procedure used in relation to the nature of the position;

(3) a class of positions is abolished.

30. A bank of qualified persons may terminate when one of the following circumstances is ascertained:

(1) there are no longer any persons registered in that bank;

(2) manpower is no longer needed.

CHAPTER IV QUALIFIED PERSONS

DIVISION I GENERAL

31. Subject to the termination of the bank in which the qualified person is registered and subject to section 34, the qualification of a person is for a period of 5 years.

32. A person may be the subject of only 1 appointment from the same qualification.

However, the person may be the subject of a new appointment from the same qualification if the person has not acquired permanent employment and if the person is laid off because of a lack of work or a person placed on reserve is assigned or transferred to the person's position.

33. A qualified person must provide, within the period allowed, any of the following information:

(1) the documents required to confirm the person's eligibility to a qualification process, not later than 30 days after an application to that effect is sent, or, if the application immediately precedes the appointment, not later than before the appointment;

(2) the initial information concerning the person's profile and professional interests or the update of the information, using the prescribed form and not later than 30 days after an application to that effect is sent;

(3) the confirmation of the person's interest to be considered for an appointment, not later than 30 days after an application to that effect is sent.

If a person fails to provide the information, the person remains registered in the bank of qualified persons, but may not be appointed until the situation is remedied.

A qualified person who ceases to meet the conditions of eligibility may not be appointed until the person meets again the conditions.

34. A qualified person is removed from a bank

(1) at the end of a 5-year period as of the person's registration in the bank;

(2) where it is ascertained that the person could not, at the time of registration, meet the conditions of eligibility of the qualification process leading to the person's registration in the bank;

(3) where the person was admitted as candidate under the Directive concerning certain aspects of the admission to the classes of jobs of the public function and the person cannot provide within the period prescribed the documents certifying that the person has successfully completed the studies required;

(4) where the person has not successfully completed the probationary period;

(5) where the person has acquired the status of permanent employee after having been appointed to a position from the bank;

(6) where the person so requests or where the person confirms no longer being interested in being considered for an appointment;

(7) where the person died, after reception of proof of death.

DIVISION II SPECIFIC PROVISIONS

35. The qualification of a person that would have terminated because the bank in which the person was registered terminates or because the person was removed from the bank under paragraph 1 of section 34 may be maintained.

However, it is possible to maintain the qualification only for an appointment in the department or body in which the person held the last position related to that qualification and provided that the following conditions are met:

(1) the person must have held for at least 1 year, on a continuous basis or not, one or more positions related to that qualification in one or more departments or bodies;

(2) not more than 1 year must have elapsed since the end of the person's last position related to that qualification;

(3) the person's last position related to that qualification must have ended otherwise than by resignation.

36. Despite section 35, the qualification of a person laid off under the circumstances provided for in section 32 may also be maintained provided that not more than 3 years have elapsed since the end of the person's last position related to that qualification.

37. Despite section 35, the qualification of a person with a right of recall under the person's employment conditions is maintained for as long as the person has the right of recall.

38. A person is considered qualified for a class of positions in which the person was placed following a change to the classification of positions provided that the following conditions are met:

(1) the person must have held for at least 1 year, on a continuous basis or not, one or more positions related to the placement in one or a number of departments or bodies;

(2) not more than 1 year must have elapsed since the person's last position in the class of positions to which the person has been placed;

(3) the last position in the class of positions in which the person has been placed must have ended otherwise than by resignation.

39. Where there is only 1 position to be filled by a qualification process, no appointment may be made before all the persons participating to the process have completed the process.

40. A person registered in a bank of qualified persons for the class or rank of trainee related to a class of positions requiring to be a member of a professional order may be transferred to a bank of qualified persons for that class of positions.

The transfer is carried out only for the remaining duration of the qualification of the person and is possible only if the following conditions are met:

(1) the person has become a member in good standing of the professional order as a member other than a junior member, a trainee member or a candidate to the practice of the profession;

(2) the evaluation tools used for the constitution of the banks evaluate the same criteria.

41. The persons qualified at the end of specific qualification processes established by the Conseil du trésor may be registered in a bank of qualified persons provided that the following conditions are met:

(1) the positions concerned belong to the same class of positions;

(2) the duties are similar;

(3) the conditions of eligibility are of the same level;

(4) the other declared uses of the bank are identical;

(5) the evaluation tools evaluate the same criteria.

CHAPTER V TRANSITIONAL AND FINAL

42. This Regulation replaces the Regulation respecting the holding of competitions (chapter F-3.1.1, r. 6).

43. The result obtained by a person in an examination or a part of an examination in a competition may be transferred to any qualification process where both conditions in section 24 are met.

44. Despite the end of the validity of the list of candidates declared qualified that allowed the appointment of a person to a position, the certification of the qualification of the person is maintained provided that all the conditions in the second paragraph of section 35 are met.

45. Despite the end of the validity of the list of candidates declared qualified that allowed the appointment of a person to a position, the certification of the qualification of a person laid off under the circumstances provided for in section 32 may be maintained provided that not more than 3 years have elapsed since the end of the person's last position related to the certification of qualification.

46. Despite the end of the validity of the list of candidates declared qualified that allowed the appointment of a person to a position, the certification of the qualification of a person with a right of recall under the person's employment conditions is maintained as long as the person has the right of recall.

47. A person placed in a class of positions following a change to the classification of positions is considered declared qualified for an appointment to the class of positions in which the person has been placed provided that the conditions in section 38 are met.

48. This Regulation comes into force on *(insert the date of coming into force of the provisions of section 14 of chapter 25 of the Statutes of 2013 that are not yet in force)*.