

Amendment to the Terms and conditions respecting the signing of certain deeds, documents and writings of the ministère du Travail

An Act respecting the Ministère du Travail (chapter M-32.2, s. 7, 2nd par.)

1. The Terms and conditions respecting the signing of certain deeds, documents and writings of the ministère du Travail (chapter M-32.2, r. 1) is amended by inserting the following after section 1:

“**1.1.** The Associate Deputy Minister for Labour is authorized to sign all the deeds, documents or writings referred to in these Terms and conditions.”.

102079

M.O., 2015

Order number 2015-005 of the Minister of Health and Social Services dated 27 March 2015

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

WHEREAS the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) was assented to on 9 February 2015;

WHEREAS the first paragraph of section 12 of the Act provides that the Minister determines, by regulation, the procedure for designating the persons referred to in paragraphs 1 to 6 of sections 9 and 10;

WHEREAS the second paragraph of section 192 of the Act provides that the first regulation made under the first paragraph of section 12 is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation;

THEREFORE, the Minister of Health and Social Services makes the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions attached to this Order.

GAÉTAN BARRETTE,
Minister of Health and Social Services

Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, section 12)

CHAPTER I GENERAL

DIVISION I SCOPE

1. This Regulation establishes the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions, which must be determined under the first paragraph of section 12 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2).

DIVISION II DATE OF DESIGNATIONS

2. The designations referred to in this Regulation take place on the date set by the Minister in accordance with the second paragraph of section 12 of the Act.

The members so designated take office on that date.

DIVISION III OFFICER AND ASSISTANT OFFICERS IN THE DESIGNATION PROCESS

3. Not later than 50 days before the date of the designations, the Minister or any person designated by the Minister appoints, for each institution, an officer for the designation process. If the latter is unable to act, the Minister proceeds with a new appointment.

The officer may appoint one or more assistant officers to assist him or her in performing duties. When a poll in person takes place in more than one location for an institution, the officer appoints an assistant officer for each polling location. The president and executive director and the assistant president and executive director of the institution may not act as officer or assistant officer.

Officers and assistant officers may not be candidates and have no voting rights in any designation referred to in this Regulation.

Unless otherwise indicated, “officer” as used in this Regulation means the officer of the designation process appointed in accordance with this section and “institution” means an integrated health and social services centre or an unamalgamated institution.

4. The officer is responsible for carrying out the designation process and ensuring compliance with the rules set out in this Regulation. His or her duties notably include the following, depending on the circumstances:

- (1) obtain the lists of bodies or persons to be involved in the designation process;
- (2) give notice of the designation process;
- (3) receive the candidates’ nomination papers and accept or refuse candidates;
- (4) inform voters of the voting procedure if more than one person has submitted their candidacy to a designation college;
- (5) appoint all scrutineers necessary for assistance in the performance of his or her duties;
- (6) supervise the conduct of the designation process;
- (7) count the votes;
- (8) declare candidates designated in accordance with this Regulation;
- (9) report the results of the designation process to the Minister and president and president and executive director of the institution.

5. An assistant officer carries out the following duties, under the authority of the officer:

- (1) receive the candidates’ nomination papers and send them to the officer;
- (2) inform voters of the voting procedure if more than one person has submitted their candidacy to a designation college;
- (3) appoint all scrutineers necessary for assistance in the performance of his or her duties;
- (4) supervise the conduct of the designation process;
- (5) count the votes;
- (6) send the vote count report and ballot papers to the officer.

DIVISION IV PRESIDENT AND EXECUTIVE DIRECTOR OF AN INSTITUTION

6. The president and executive director of an institution must provide the officer and assistant officers with the technical and administrative support required for the performance of their duties.

The president and executive director must keep the original documents received from the officer and completed in accordance with Schedules I to VI in sealed envelopes for a period of at least 180 days from the date on which the designations are made.

CHAPTER II DESIGNATION OF A GENERAL PRACTITIONER BY AND FROM AMONG THE MEMBERS OF THE REGIONAL DEPARTMENT OF GENERAL MEDICINE

DIVISION I INITIATION OF THE DESIGNATION PROCESS

7. Not later than 45 days before the date of the designations, the president and executive director of an institution must send to the officer a list of the members of the regional department of general medicine provided by the latter. The list must include an address and, where available, an electronic address enabling to reach each member.

8. Not later than 40 days before the date of the designations, the officer gives notice of the designation process either in writing to each member of the regional department of general medicine registered on the list, or by the publication of a notice in at least one medium, including a newspaper circulated in the health region where the head office of the institution is located. The officer must also post that notice in each of the institution’s facilities in a location accessible to the members of the department and publish it on the website of the institution. The notice must be accompanied by a list of the members of the department.

A person whose name does not appear on the list thus posted or who notices an error may contact the officer for the appropriate rectification. When the list is modified, the officer replaces the posted list by the new one.

The notice must mention the restrictions set out in sections 9 to 11 of the Act and section 150 of the Act respecting health services and social services (chapter S-4.2) and indicate the nomination period and the terms and conditions that must be followed in the designation process.

DIVISION II NOMINATIONS

9. Nominations are made by means of nomination papers drawn up in accordance with Schedule I.

The original, duly completed nomination paper must be signed by the candidate, and received by the officer not later than 30 days before the date of the designations.

To provide more information to the members of the department, candidates must also complete the information sheet provided for in Schedule II and forward it along with their nomination papers.

10. Not later than 2 business days after receiving a nomination paper, the officer must accept or refuse the candidacy and so inform in writing the person who filed it. The officer must then complete the corresponding section of the nomination paper.

The officer may not, before the end of the nomination period, divulge the name of a candidate or of a person whose candidacy has been rejected.

DIVISION III DESIGNATION

§1. Absence of designation

11. At the end of the nomination period, if the officer finds that no member of the department has filed his or her candidacy or that no candidacy is valid, the officer completes the declaration of designation not made provided for in Schedule III and sends a copy to the Minister within 3 business days. Within the same period, the officer sends to the president and executive director of the institution the original of the declaration and, where applicable, the original of the nomination paper and information sheet completed by a member of the department whose candidacy has been refused.

Not later than 10 days before the date of the designations, the president and executive director must post in each of the institution's facilities, in a location accessible to physicians who are members of the regional department of general medicine, a copy of the declaration of designation not made. The president and executive director must also, within the same period, publish the declaration on the website of the institution.

§2. Designation by acclamation

12. At the end of the nomination period, if the officer finds that only one candidacy is valid, the officer declares the member designated. The officer then completes the

certificate of designation provided for in Schedule IV and sends to the Minister a copy of the certificate, nomination paper and information sheet completed by the department's member whose candidacy has been accepted. Within the same period, the officer sends the original of those documents to the president and executive director of the institution.

Not later than 10 days before the date of the designations, the president and executive director must post in each of the institution's facilities, in a location accessible to physicians who are members of the regional department of general medicine, a copy of the certificate of designation. The president and executive director must also, within the same period, publish the certificate on the website of the institution.

§3. Designation by poll

13. At the end of the nomination period, if there is more than one valid candidacy, the officer draws up a list of the candidates and determines whether the poll will be held by mail or in person.

1. POLL BY MAIL

14. Not later than 20 days before the date of the designations, the officer sends to each member of the regional department of general medicine a polling notice. The notice must indicate the date, time and place of the vote count and a list of the candidates.

The polling notice is also posted by the officer in all locations where the designation process notice was posted in accordance with section 8 and is published on the website of the institution.

15. The polling notice that the officer forwards to all members must be accompanied by the following documents:

(1) the information sheet provided for in Schedule II and filled out by each of the candidates;

(2) a ballot paper initialed by the officer;

(3) a vote envelope with no identifying markings in which the ballot paper will be inserted;

(4) a return envelope bearing the member's name and addressed to the officer.

16. Members must use the ballot paper and envelopes provided by the officer.

The ballot paper is inserted into the vote envelope provided for that purpose, which is itself inserted into the return envelope.

In order to be valid, the ballot paper must be received at the officer's office, not later than 5:00 p.m. on the day preceding the date of the designations.

17. The officer or assistant officer, accompanied by scrutineers, proceeds with the opening of return envelopes.

Only return envelopes identified with the names of the members are considered and checked against the voters list.

18. Vote envelopes containing a ballot paper are first removed from the identified envelopes.

If a return envelope contains no vote envelope, that situation is recorded in the vote count report provided for in Schedule V.

If a return envelope contains 2 vote envelopes or more, they may not be counted and the situation is recorded in the vote count report.

2. POLL IN PERSON

19. Not later than 20 days before the date of the designations, the officer gives notice of the poll, either in writing to each member of the regional department of general medicine entered on the list, or by the publication of a notice in at least one medium, including a newspaper circulated in the health region where the head office of the institution is located.

The polling notice and the information sheet filled out by a candidate are also posted by the officer in each location where the notice of designation process was posted in accordance with section 8 and are published on the website of the institution.

The polling notice must indicate the date, period, polling locations and the names of the candidates. The notice must also indicate the date, time and place where the votes will be counted.

The polling date must be set not later than the day before the date of the designations. The polling period must run at least from 6 a.m. to 6 p.m. and the polling locations determined by the officer must be chosen so that all members may exercise their right to vote.

20. On polling day, all candidate advertising is prohibited on the premises where the poll is held, except the posting of information sheets filled out by the candidates. The building in which the election is held and any neighbouring location where the advertising may be seen or heard by members coming to vote are considered to be the premises where the poll is held.

21. A candidate may observe the conduct of the poll or may, in writing, designate a representative to do so. Such designation must be sent to the officer or assistant officer before the polling period begins.

22. The officer or an assistant officer must initiate the polling period on the date, at the time, and in the location indicated in the polling notice.

23. Proxy voting is prohibited.

24. The officer, an assistant officer or a scrutineer must provide assistance to a member requesting it to exercise his or her right to vote.

The scrutineer must provide a template to any elector with a visual impairment who so requests in order to enable him or her to vote without assistance. The scrutineer must inform the elector of the order in which the candidates are listed on the ballot paper.

A member who is hearing or speech impaired may be accompanied by a sign language interpreter in order to communicate with the officer, an assistant officer, scrutineers and candidates or their representatives.

25. Before voting, each member must complete a declaration drawn up in accordance with Schedule VI and give it to the scrutineer.

26. The voting must be by secret ballot.

27. The scrutineer must give the member a ballot paper after initialing the ballot paper in the space reserved for that purpose and explain the voting procedure.

28. The member must go into the polling booth and mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the member must allow the scrutineer and any candidates or candidate representative who so desire to check the number of the stub and the initials of the scrutineer on the ballot.

Once so verified, the member must tear off the stub and give it to the scrutineer, who must destroy it. The member must then deposit the ballot paper in the ballot box.

3. COUNTING OF VOTES FOLLOWING A POLL BY MAIL OR IN PERSON

29. On the date, time and at the location indicated in the polling notice, the scrutineers count the votes in the presence of the officer or an assistant officer.

The counting of votes is public.

The officer or assistant officer cancels every ballot paper that

- (1) has not been provided by the officer or a scrutineer;
- (2) does not bear the initials of the officer or a scrutineer;
- (3) has not been marked;
- (4) has been marked in favour of more than one candidate;
- (5) has been marked in favour of a person who is not a candidate;
- (6) has been marked elsewhere than in the spaces reserved for that purpose;
- (7) bears fanciful or injurious entries;
- (8) bears a mark by which the member can be identified.

In the case of a poll in person, no ballot paper may be rejected under subparagraph 2 of the first paragraph where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of the declarations of voting members, were placed in it. The officer or a scrutineer then initials the back of the ballot paper and adds a note indicating the correction.

The officer or assistant officer cancels a ballot paper by writing “Void” on it and initialing it. The number of rejected ballot papers is noted in the vote count report provided for in Schedule V.

30. In the case of a poll in person, the officer or an assistant officer completes a vote count report for each polling location. The assistant officers must send the officer the result of the counting of votes as soon as possible.

31. The candidate with the greatest number of votes is declared designated by the officer.

Where there is a tie vote, the officer must immediately draw lots from among those candidates to determine the designated person.

32. The officer must complete the designation certificate provided for in Schedule IV and send a copy of that certificate and of the designated member’s nomination paper to the Minister within 3 business days.

Within the same period, the officer must send to the president and executive director of the institution the originals of those same documents, the nomination papers of unelected candidates, all information sheets completed by the candidates, ballot papers and the vote count report.

The president and executive director must post a copy of the designation certificate in each of the institution’s facilities, in a location accessible to the members of the regional department of general medicine. The president and executive director must also publish a copy of that certificate on the website of the institution.

CHAPTER III

DESIGNATION OF A MEDICAL SPECIALIST BY AND FROM AMONG THE MEMBERS OF THE COUNCIL OF PHYSICIANS, DENTISTS AND PHARMACISTS

DIVISION I

INITIATION OF THE DESIGNATION PROCESS

33. Not later than 45 days before the date of the designations, the president and executive director must send to the officer a list of the medical specialists who are members of the council of physicians, dentists, and pharmacists of the institution.

34. Not later than 40 days before the date of the designations, the officer posts a notice of the designation process in each of the institution’s facilities in a location accessible to the members of the council of physicians, dentists and pharmacists. The notice must be accompanied by the list provided for in section 33. The notice must also be published on the website of the institution.

A medical specialist whose name does not appear on the list or who notices an error on the list may contact the officer for the appropriate correction. When the list is modified, the officer replaces the posted list by the new list.

The notice must mention the restrictions set out in sections 9 to 11 of the Act and section 150 of the Act respecting health services and social services and indicate the nomination period and the terms and conditions that must be followed in the designation process.

DIVISION II NOMINATIONS

35. A candidacy is proposed and accepted or refused in accordance with the provisions of sections 9 and 10.

DIVISION III DESIGNATION

§1. *Absence of designation*

36. The provisions of section 11 apply, with the necessary modifications, if there is no candidate or valid candidacy by the end of the nomination period.

§2. *Designation by acclamation*

37. The provisions of section 12 apply, with the necessary modifications, if there is only one valid candidacy by the end of the nomination period.

§3. *Designation by poll*

38. At the end of the nomination period, if there is more than one valid candidacy, the officer draws up a list of the candidates and sends it to the chair of the executive committee of the institution's council of physicians, dentists and pharmacists.

39. Not later than 25 days before the date of the designations, the executive committee of the council of physicians, dentists and pharmacists determines whether the poll will be held by mail or in person.

40. The president and executive director of the institution provides the executive committee of the council of physicians, dentists and pharmacists with the technical and administrative support necessary for the poll.

41. The provisions of sections 14 to 32 apply, with the necessary modifications, to the conduct of the poll and the counting of votes.

For the purposes of sections 14 to 24, "officer" means the chairperson of the executive committee of the council of physicians, dentists and pharmacists.

CHAPTER IV DESIGNATION OF AN INSTITUTION PHARMACIST BY AND FROM AMONG THE MEMBERS OF THE REGIONAL PHARMACEUTICAL SERVICES COMMITTEE

DIVISION I INITIATION OF THE DESIGNATION PROCESS

42. Not later than 45 days before the date of the designations, the president and president and executive director must send to the officer the contact information of the regional pharmaceutical services committee and a list of the institution pharmacists who sit on that committee.

43. Not later than 40 days before the date of the designations, the officer sends a notice to the regional pharmaceutical services committee to invite the members of that committee to participate in the designation process of a person as a member of the board of directors.

The notice must mention the restrictions set out in sections 9 to 11 of the Act and section 150 of the Act respecting health services and social services and indicate the nomination period and the terms and conditions that must be followed in the designation process.

44. The designation must be done during a meeting attended by a majority of the members of the regional pharmaceutical services committee.

A copy of the resolution indicating the name of the institution pharmacist who has been designated by and from among the members attending the meeting must be received by the officer not later than 5:00 p.m. on the day before the date of the designations, accompanied by the original nomination paper provided for in Schedule I, duly completed and signed by each candidate.

After ensuring that each candidate's nomination paper has been duly completed and signed, the officer must draw up the designation certificate provided for in Schedule IV and send copies of the certificate, each nomination paper, and the resolution of the regional pharmaceutical services committee to the Minister within 3 business days. Within the same period, he or she must send the original documents to the president and executive director of the institution.

The president and executive director must post a copy of the designation certificate in each of the institution's facilities, in a location accessible to the members of the regional pharmaceutical services committee. The president and executive director must also publish the certificate on the website of the institution.

45. If no member has filed his or her candidacy or if there is no valid candidacy, the officer then completes the declaration of designation not made provided for in Schedule III and sends a copy to the Minister within 3 business days. Within the same period, the officer sends to the president and executive director of the institution the original of the declaration and, where applicable, the original of the nomination paper and information sheet completed by a member whose candidacy has been refused and a copy of the resolution of the regional pharmaceutical services committee.

CHAPTER V
DESIGNATION BY AND FROM AMONG THE
MEMBERS OF THE COUNCIL OF NURSES

46. The provisions of Chapter III apply, with the necessary modifications, for the designation, on the board of directors of an institution, of a member chosen by and from among the members of the council of nurses, including the persons acting as nursing assistants for the institution.

CHAPTER VI
DESIGNATION BY AND FROM AMONG THE
MEMBERS OF THE MULTIDISCIPLINARY
COUNCIL AND PERSONS DEEMED TO BE
PART OF THE COUNCIL

47. The provisions of Chapter III apply, with the necessary modifications, for the designation, on the board of directors of an institution, of a member chosen by and from among the members of the multidisciplinary council, including midwives who have entered into a service contract under section 259.2 of the Act respecting health services and social services.

CHAPTER VII
DESIGNATION BY AND FROM AMONG THE
MEMBERS OF THE USERS' COMMITTEE

48. The provisions of Chapter IV apply, with the necessary modifications, for the designation on the board of directors of a member chosen by and from among the members of the users' committee.

CHAPTER VIII
FINAL

49. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I
(Section 9)

DESIGNATION
Nomination paper of a candidate

Name of institution (or institutions)			
Designation college :			
Section I – Nomination			
Candidate's last and first name			
Sex	M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth	Y M D
Address			
Municipality		Province	Postal code
Area Code	Home phone	Area Code	Work phone Extension
Occupation		Employer	
Section III – Candidate's consent			
CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS			
<ol style="list-style-type: none"> 1. Québec resident; 2. Age of majority (18 or over); 3. Not be under wardship or guardianship; 4. Not found guilty in the past 5 years of a crime punishable by 3 or more years of incarceration; 5. Not have been dismissed as the member of an institution's, regional board's or health and social service agency's board of directors in the past 3 years; 6. Not have been declared guilty in the past 3 years of an infraction of the Act respecting health services and social services or the regulations; 7. For a designation by and from among the members of the institution's users' committee, not be employed by or practise a profession in the institution; 8. Not be a member of the board of directors of an institution's foundation; 9. May sit as a member of the board of directors at the college for which the nomination is made. 			
<p>I hereby acknowledge that I have read this information and declare that I meet the above conditions for candidacy. I also authorize the disclosure of the information on this form to the Ministère de la Santé et des Services sociaux (MSSS) if I am designated a member of the board of directors. Information disclosed to the MSSS is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information.</p>			
<p>In witness whereof, I have signed in _____ on _____</p> <p style="text-align: right;">_____ Candidate's signature</p>			
Section IV – Acceptance by designation officer			
NOMINATION ACCEPTED <input type="checkbox"/>		NOMINATION REJECTED <input type="checkbox"/>	
Reason(s) for rejection:			

_____		_____	
Designation officer's signature		Date	
PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION			
1. The information on this form is gathered for the institution concerned and, if the candidate is designated, for the Ministère de la Santé et des Services sociaux.	2. The information transmitted to the MSSS is used to make up records for management and control purposes of the members of health and social service institution boards.	3. The following persons will have access to this information: • Employees of the institution in question and the MSSS in the performance of their duties; • Any other user meeting the requirements of the abovementioned Act.	4. All information on the form is required.

SCHEDULE II
(Section 9)**DESIGNATION**
Candidate Information Sheet

PHOTO

Institution(s):

_____Candidate's name:

_____Place of work or of practice of a profession:

_____Candidate profile (education, occupation, experience):Reasons for candidacy:Social, community, volunteer involvement, etc.:Other relevant information:

Candidate's consent: I authorize the disclosure of the information herein as part of the designation process in which I am a candidate.

Date_____
Candidate's signature_____
Date_____
Designation officer's signature

**SCHEDULE III
(Section 11)****DESIGNATION
Declaration of Designation Not Made**

Institution(s): _____

Designation college: _____

I, the undersigned, the officer in charge of the designation process, hereby declare that no designation was made for the above institution(s), for the following reason:

No candidacy was received No valid candidacy was received

Signed in _____, on _____

Signature_____
Name of designation officer

SCHEDULE IV
(Section 12)**DESIGNATION**
Designation Certificate

Institution(s): _____

Designation college: _____

I, the undersigned, the officer in charge of the designation process, declare that on _____ the following candidate was designated to the position of member of the board of directors of the above-mentioned institution(s):

Name

- Only one candidate filed his or her candidacy or filed a valid candidacy;
- More than one candidate filed his or her candidacy and the designated candidate received the greatest number of votes;
- Due to a tie vote, the candidate was designated in a draw held on _____.

Signed in _____, on _____

Signature_____
Name of designation officer

**SCHEDULE V
(Section 18)**

**DESIGNATION
Vote Count Report**

Institution(s) : _____

Designation college: _____

In accordance with the polling notice, the vote count took place on:

Date: _____

Time: _____

Place: _____

Mail poll:

Envelopes identified: _____

Envelopes containing no vote envelopes: _____

Envelopes containing more than one vote envelope: _____

Vote envelopes counted: _____

Uncounted vote envelopes: _____

Poll in person:

Valid ballots: _____

Rejected ballots: _____

Candidates	Number of votes
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Signed in _____, on _____

Signature

Name of designation officer or assistant officer

Name(s) of scrutineer(s)

SCHEDULE VI
(Section 25)

POLL IN PERSON
Declaration of the member who votes

Institution(s): _____

Designation college: _____

DECLARATION

I hereby declare that

- I am part of the above-mentioned designation college;
- I have not voted in another polling location for the above institution.

Name

Signature

Date

SCRUTINEER: _____