



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 10
(2023, chapter 8)

**An Act limiting the use of personnel
placement agencies' services and
independent labour in the health and
social services sector**

**Introduced 15 February 2023
Passed in principle 22 February 2023
Passed 18 April 2023
Assented to 20 April 2023**

**Québec Official Publisher
2023**

EXPLANATORY NOTES

This Act amends the Act respecting health services and social services to limit the use of personnel placement agencies' services and of independent labour in the health and social services sector.

In that regard, the Act provides that a health and social services body cannot call on a personnel placement agency's services or on independent workers, except to the extent prescribed by regulation of the Government. To that effect, it grants the Government the power, among others, to determine, by regulation, the period during which a body may call on a personnel placement agency's services or on independent labour. It specifies that the provisions of a regulation may vary, in particular depending on the category of bodies, health regions or territories.

The Act confers on the Minister of Health the power to grant, in exceptional circumstances and subject to certain conditions, an authorization allowing a health and social services body to call on a personnel placement agency's services or on independent labour, for a period the Minister determines.

Lastly, the Act grants the Minister of Health inspection and investigation powers. It also contains penal, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting health services and social services (chapter S-4.2).

Bill 10

AN ACT LIMITING THE USE OF PERSONNEL PLACEMENT AGENCIES' SERVICES AND INDEPENDENT LABOUR IN THE HEALTH AND SOCIAL SERVICES SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting health services and social services (chapter S-4.2) is amended by inserting the following title after section 338.1:

“TITLE III

“PERSONNEL PLACEMENT AGENCIES AND INDEPENDENT LABOUR

“338.2. A health and social services body may not call on a personnel placement agency's services or on independent labour, except to the extent prescribed by regulation of the Government.

The Government may, in particular,

(1) define what constitutes a personnel placement agency and independent labour;

(2) set the period during which a body may call on a personnel placement agency's services or on independent labour;

(3) establish a maximum hourly rate for any day of work performed by a member of a personnel placement agency's personnel or by independent labour for any position title or any job class the Government identifies and whose services correspond to the tasks of the personnel of a health and social services body;

(4) determine the obligations incumbent on a body, a personnel placement agency or independent labour;

(5) establish any other terms and conditions relating to the use of a personnel placement agency's services or independent labour;

(6) determine the administrative measures applicable if the provisions of a regulation made under this section are not complied with; and

(7) identify, among the provisions of a regulation made under this section, those whose violation constitutes an offence and renders the offender liable to the fine provided for in section 531.4.

The provisions of a government regulation may vary depending on the categories of bodies, the sectors of activity of personnel placement agencies or of independent labour, the classes of personnel, the position titles, the health regions or the territories the Government determines.

For the purposes of this title, “health and social services body” means an institution, an intermediary resource, a family-type resource, a private seniors’ residence referred to in section 346.0.1, a palliative care hospice that holds an accreditation granted by the Minister under section 457 or a religious institution that operates an infirmary or maintains a residential and long-term care facility to receive its members or followers.

“338.3. In exceptional circumstances, the Minister may, on the Minister’s own initiative with regard to a health and social services body or at the request of such a body, grant an authorization allowing the body, for the period the Minister determines, to call on a personnel placement agency’s services or on independent labour. If the Minister considers it appropriate, the Minister may renew the authorization for any period he or she determines.

The provisions of a regulation made under section 338.2 apply to the body referred to in the first paragraph during any period determined by the Minister, with the necessary modifications. The Minister may, if the Minister considers it necessary, attach to the authorization or to the authorization’s renewal any conditions in addition to those prescribed by such a regulation.”

2. Section 489 of the Act is amended by replacing “or any specialized medical centre” in the first paragraph by “any private seniors’ residence, any specialized medical centre, any personnel placement agency, any palliative care hospice or any religious institution”.

3. The Act is amended by inserting the following section after section 489.2:

“489.2.1. A person authorized in writing by the Minister may conduct an investigation into any matter relating to the application of Title III of Part II.”

4. The Act is amended by inserting the following section after section 531.3:

“531.4. Every person, other than a public institution or a member of a personnel placement agency’s personnel, who contravenes a provision of a regulation whose violation constitutes an offence under subparagraph 7 of the second paragraph of section 338.2 is liable to a fine of \$1,000 to \$25,000 in the case of a natural person and of \$3,000 to \$75,000 in any other case. For a subsequent offence, the amounts are doubled.

On an application by the prosecutor, the judge may impose on the offender, in addition to any other penalty, a further fine whose amount is equal to any excess amount obtained by the offender as a result of the commission of the offence, even if the maximum fine has been imposed on the offender. A judge who does not impose this additional fine must give reasons for the decision.

If an offence under the first paragraph continues for more than one day, it constitutes a separate offence for each day it continues.”

5. The first regulation made under section 338.2 of the Act respecting health services and social services, enacted by section 1 of this Act, must, in particular, set out

(1) the definition of “personnel placement agency”, meaning a person, partnership or other entity that offers personnel leasing services to a health and social services body;

(2) the definition of “independent labour”, meaning a natural person who, under a service contract, provides services to a health and social services body; and

(3) the prohibition for an institution to call on a personnel placement agency’s services or on independent labour in the following territories:

(a) not later than from 31 December 2024, in urban territories, which must at least include all or part of each of the Capitale-Nationale, the Montréal and the Laval health regions, and

(b) not later than from 31 December 2025, in intermediate territories, which must at least include all or part of each of the Mauricie-et-Centre-du-Québec and the Estrie health regions.

The first regulation may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

6. The Minister must, not later than on the date that is four years after the date of coming into force of section 1 of this Act, report to the Government on the implementation of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days after resumption.

7. The provisions of this Act come into force on the date of coming into force of the first regulation made under section 338.2 of the Act respecting health services and social services, enacted by section 1 of this Act.