

The description of each beverage to be provided under subparagraph ii of subparagraph *d* of subparagraphs 10 and 12 of the first paragraph may be replaced by a mention that a drink, bottle or glass is involved, or other similar mention, if it refers to a beverage that is clearly described in a menu or other similar document, kept by the operator, that states the price payable on a specific date.”.

4. This Regulation comes into force on 1 November 2023.

106485

Gouvernement du Québec

## O.C. 1481-2023, 27 September 2023

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

Act limiting the use of personnel placement  
agencies' services and independent labour  
in the health and social services sector  
(2023, chapter 8)

### Use of personnel placement agencies' services and independent labour in the health and social services sector

Regulation respecting the use of personnel placement  
agencies' services and independent labour in the health  
and social services sector

WHEREAS, under the first paragraph of section 338.2 of the Act respecting health services and social services (chapter S-4.2), made by section 1 of the Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector (2023, chapter 8), 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;

WHEREAS, under the second paragraph of section 338.2 of the Act, the Government may, in particular,

— define what constitutes a personnel placement agency and independent labour;

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

— 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;

— determine the obligations incumbent on a body, a personnel placement agency or independent labour;

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

— determine the administrative measures applicable if the provisions of a regulation made under that section are not complied with;

— identify, among the provisions of a regulation made under that section, those whose violation constitutes an offence and renders the offender liable to the fine provided for in section 531.4 of the Act respecting health services and social services, made by section 4 of the Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector;

WHEREAS, under the third paragraph of section 338.2 of the Act respecting health services and social services, made by section 1 of the Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector, the provisions of the 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 it determines;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the second paragraph of section 5 of the Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector, a draft Regulation respecting the use of personnel placement agencies' services and independent labour in the health and social services sector was published in Part 2 of the *Gazette officielle du Québec* of 26 July 2023 with a notice that it could be made by the Government on the expiry of 20 days following that publication;

WHEREAS, under the second paragraph of section 5 of the Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector, such a regulation is not subject to the requirement of section 17 of the Regulations Act as regards its date of coming into force;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health:

THAT the Regulation respecting the use of personnel placement agencies' services and independent labour in the health and social services sector, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation respecting the use of personnel placement agencies' services and independent labour in the health and social services sector

Act respecting health services and social services (chapter S-4.2, s. 338.2, 1st par., 2nd par., subpars. 1, 2, 3, 4, 5, 6 and 7, and 3rd par.)

Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector (2023, chapter 8)

### DIVISION I OBJECT AND DEFINITIONS

**1.** This Regulation determines the terms and conditions applicable to the use of personnel placement agencies' services or independent labour by a health and social services body.

For the purposes of this Regulation,

“health and social services body” means a health and social services body referred to in the fourth paragraph of section 338.2 of the Act respecting health services and social services (chapter S-4.2), made by section 1 of the Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector (2003, chapter 8); (*organisme du secteur de la santé et des services sociaux*)

“independent labour” means a natural person who, under a service contract, provides services to a health and social services body; (*main-d'œuvre indépendante*)

“personnel placement agency” means a person, partnership or other entity that offers personnel leasing services to a health and social services body. (*agence de placement de personnel*)

The services provided by independent labour are covered by this Regulation if they include the leasing of personnel, where that personnel is the natural person who entered into a contract with the health and social services body.

The Canadian Red Cross Society is not a personnel placement agency within the meaning of this Regulation.

### DIVISION II PERSONNEL PLACEMENT AGENCIES

**2.** A health and social services body may call on a personnel placement agency's services in a region referred to in one of the following paragraphs until the date prescribed therein:

(1) 20 October 2024 for the Capitale-Nationale, the Montréal, the Chaudière-Appalaches, the Laval and the Montérégie health regions;

(2) 19 October 2025 for the Saguenay–Lac-Saint-Jean, the Mauricie et Centre-du-Québec, the l'Estrie, the Lanaudière and the Laurentides health regions;

(3) 18 October 2026 for the Bas-Saint-Laurent, the Outaouais, the Abitibi-Témiscamingue, the Côte-Nord, the Nord-du-Québec, the Gaspésie–Îles-de-la-Madeleine and the Nunavik health regions.

**3.** The dates prescribed by section 2 do not apply to the following health and social services bodies:

(1) a family-type resource within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) an intermediate resource within the meaning of the Act respecting health services and social services that receives 15 users or fewer;

(3) a private seniors' residence referred to in section 346.0.1 of the Act respecting health services and social services that is operated from the operator's principal place of residence and has 15 rental units or fewer;

(4) a palliative care hospice that holds an accreditation granted by the Minister under section 457 of the Act respecting health services and social services;

(5) a religious institution that operates an infirmary or maintains a residential and long-term care facility to receive its members or followers;

(6) the Centre régional de santé et de services sociaux de la Baie-James;

(7) the Inuulitsivik Health Centre;

(8) the Ungava Tulattavik Health Centre;

(9) the Naskapi CLSC.

### DIVISION III INDEPENDENT LABOUR

**4.** A public institution referred to in the Act respecting health services and social services (chapter S-4.2) or a private institution under agreement referred to in section 475 of that Act may use independent labour to fill a managerial position.

**5.** A health and social services body may call on the services of a pharmacist as independent labour.

Despite the first paragraph, a health and social services body in a health region referred to in paragraph 1 or 2 of section 2 may not call on such services beyond the date until which that body may call on a personnel placement agency's services, as prescribed by section 2.

The dates referred to in the second paragraph do not apply to a health and social services body referred to in paragraphs 1 to 5 of section 3, or to any health and social services body in the territories of the local services networks of Charlevoix, the Thetford region, Beauce, Les Etchemins, Montmagny-L'Islet, Granit, the Suroît region and Pierre-De Saurel.

### DIVISION IV PROHIBITIONS

**6.** It is prohibited for personnel placement agencies to offer or provide the services of the following persons to a health and social services body:

(1) a person who is not bound to the personnel placement agency by a contract of employment;

(2) a person who is also employed by a health and social services body, a department or a government agency referred to in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

(3) a person who receives a subsidy from a health and social services body, the Minister or a body under the responsibility of the Minister, or a person who has an employment relationship with the beneficiary of the subsidy;

(4) a person who, less than one year before, was employed by a health and social services body in the same health region, in a bordering health region or in a health region separated only by a watercourse or a body of water;

(5) a person who did not complete the training required for a position title provided for in the document entitled "Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux" tabled in the National Assembly on 15 December 2005 by the Minister of Health and Social Services as Paper No. 2575-20051215.

**7.** It is prohibited for personnel placement agencies to set up any non-competition covenant or agreement having similar effects, in particular by claiming penalties, compensation or indemnities, or through any retaliatory measure, against any person wishing to be hired by a body in the health and social services sector or from such a body.

### DIVISION V REMUNERATION OF SERVICES

**8.** The hourly rate claimed for any provision of services performed by the personnel of a personnel placement agency for a service relating to a position title or a job subclass referred to in Schedule I may not exceed the amount provided for therein.

This section does not apply to services leased by a personnel placement agency at the Centre régional de santé et de services sociaux de la Baie-James, the Inuulitsivik Health Centre, the Ungava Tulattavik Health Centre and the Naskapi CLSC for services provided in the Côte-Nord, the Nord-du-Québec and the Nunavik health regions.

**9.** The rate paid for overtime hours performed by the personnel of a personnel placement agency that is not referred to in Schedule I may be increased by an amount equivalent to no more than 67% of the regular hourly wages paid by the agency.

**10.** Indemnities for travel and living expenses may be paid by the health and social services body to the personnel placement agency in accordance with Schedule II for services provided in a health region referred to in paragraph 3 of section 2.

Indemnities for travel expenses may be paid by the health and social services body to the personnel placement agency in accordance with Schedule II for services provided at a user's home.

**11.** No remuneration other than the remuneration provided for in sections 8 to 10 may be claimed from a health and social services body or paid to a personnel placement agency or to a pharmacist for services provided by a personnel placement agency or, except for the increase provided for in section 9, by a pharmacist as independent labour.

That prohibition extends to expenses of any kind, including those to open a record or to search for or obtain judicial records, as well as parking and meal expenses.

#### **DIVISION VI** SPECIAL OBLIGATIONS INCUMBENT ON PERSONNEL PLACEMENT AGENCIES, INDEPENDENT LABOUR AND HEALTH AND SOCIAL SERVICES BODIES

**12.** Every personnel placement agency must comply with the following obligations:

(1) provide the health and social services body a written service contract that includes the title of the service concerned, in conformity with the position titles and the job description provided for in the document entitled "Nomenclature des titres d'emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux" if applicable, as well as the terms and conditions relating to remuneration in conformity with this Regulation;

(2) submit each month to the Minister the information relating to the services provided to a health and social services body, expressed in number of hours worked, in the fees charged by distinguishing those relating to overtime hours and the expenses charged, by position title and by facility if applicable;

(3) respond to any request made by the health and social services body or by the Minister, as applicable, concerning information and documents provided for in this Regulation that were transmitted to it;

(4) ensure that every personnel member whose services the personnel placement agency leases to a health and social services body is authorized to work in Canada and,

if the person is a member of a professional order, that the person holds a valid permit allowing him or her to engage in the relevant professional activities;

(5) ensure that every personnel member whose services the personnel placement agency leases to a health and social services body wears a visible identification card bearing the person's surname and given name, a recent photograph, the title of the position held and, if applicable, the name of the professional order of which the person is a member and his or her permit number allowing that person to engage in the relevant professional activities;

(6) hold a civil liability insurance contract in the amount of \$2,000,000 that covers bodily injury and property damage caused by personnel members whose services the personnel placement agency leases to a health and social services body, undertake to maintain such a contract in force for the entire duration of the services, and send the body a copy of the policy before entering into any personnel leasing contract;

(7) require every personnel member whose services the personnel placement agency intends to lease to a health and social services body to provide a declaration concerning any judicial record and to have that declaration verified by a Québec police force;

(8) declare to the health and social services body any judicial record or any refusal to receive from the personnel placement agency the services requested by such a body relating to a personnel member whose services the personnel placement agency intends to lease in connection with any duties likely to be entrusted to the personnel member within the body and undertake to notify the body of any change in connection with the declaration if the body accepted the services;

(9) require every personnel member whose services are leased to a health and social services body by the personnel placement agency to undertake to notify the agency of any change in connection with the information provided for in paragraph 7 and, if applicable, to notify the health and social services body;

(10) maintain a training, skills development and assessment program for personnel members whose services are leased to a health and social services body by the personnel placement agency;

(11) if applicable, notify the professional order concerned of any doubt as to the expertise of a personnel member whose services are leased to a health and social services body by the personnel placement agency, and of any breach of ethics reported to the agency;

(12) enclose, with every invoice that includes the fees increased in accordance with section 9 for a provision of work of over 40 hours performed during the same week by a personnel member whose services are leased to a health and social services body by the personnel placement agency, a declaration identifying the personnel member concerned, detailing the hours worked and indicating the regular hourly wages paid to the personnel member.

For the purposes of subparagraphs 7 and 8 of the first paragraph, “judicial records” means

(1) a conviction for a criminal offence committed in Canada or outside Canada, unless a pardon was obtained for that offence;

(2) a pending indictment for a criminal offence committed in Canada or outside Canada;

(3) a court order that remains against a person in Canada or outside Canada.

**13.** Every pharmacist who provides services as independent labour must comply with the following obligations:

(1) wear a visible identification card bearing the pharmacist’s surname and given name, a recent photograph, the title of pharmacist and his or her Ordre des pharmaciens du Québec permit number;

(2) provide the services on the premises of the health and social services body;

(3) hold, in addition to his or her professional liability insurance, a civil liability insurance contract in the amount of \$2,000,000 that covers bodily injury and property damage caused by the pharmacist, undertake to maintain such a contract in force for the entire duration of the services, and send the body a copy of the policy before entering into any service contract;

(4) declare to the health and social services body any judicial record within the meaning of the second paragraph of section 12 in connection with any duties likely to be entrusted to the pharmacist within the body, and undertake to notify the body of any change in connection with the declaration;

(5) respond to any request made by the health and social services body or by the Minister, as applicable, concerning information and documents provided for in this Regulation that were transmitted to it

**14.** Every health and social services body must comply with the following obligations:

(1) comply with and apply the job descriptions provided for in the document entitled “Nomenclature des titres d’emploi, des libellés, des taux et des échelles de salaire du réseau de la santé et des services sociaux” when using the services of personnel placement agencies for any of the position titles referred to in Schedule I;

(2) send the Minister, after each quarter of the calendar year, a list, by facility if applicable, of the personnel placement agencies that provided services to the Minister;

(3) send the Minister on a monthly basis an account of the services provided by pharmacists as independent labour, indicating the number of hours worked by distinguishing between overtime, if applicable, and the fees and expenses charged.

#### **DIVISION VII** **ADMINISTRATIVE MEASURES**

**15.** A violation of any provision of this Regulation may entail the following administrative measures, as the case may be:

(1) in the case of a personnel placement agency or a pharmacist as independent labour, a temporary or permanent prohibition from offering or providing services or a type of service to a health and social services body;

(2) in the case of a health and social services body, an obligation to submit to the Minister, within the time period indicated, a plan describing the measures implemented to ensure that the body complies with the provisions of this Regulation.

Where it is noted that a sum was paid in contravention of the provisions of this Regulation and that the personnel placement agency fails to reimburse it, the Minister may order that it be reimbursed within the period indicated by the Minister and provide that, failing such reimbursement within that period, a temporary prohibition from offering services will take effect and will be lifted only after the reimbursement of the amount owed or of an amount to the satisfaction of the Minister.

**16.** Before taking a measure referred to in section 15, the Minister must give personnel placement agencies, independent labour and health and social services bodies the written notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant them at least 10 days to present observations.

Within 30 days following the end of the period granted to present observations, the Minister must render a decision in writing, with reasons, and specify, if applicable, the date as of which the decision applies.

Immediately upon receipt of a decision informing them of a measure referred to in subparagraph 1 of the first paragraph, or the second paragraph, of section 15, personnel placement agencies and independent labour must notify every health and social services body with which they do business or that is specifically referred to in the decision; personnel placement agencies must also inform all employees assigned to such health and social services bodies of the date on which the measure takes effect and of the measure's duration, if applicable.

**17.** At the request of a personnel placement agency or independent labour, the Minister may lift the administrative measure if the Minister considers that the situation has been remedied or that new facts justify a different decision.

## SCHEDULE I

(Sections 8, 9 and 14)

### MAXIMUM HOURLY RATES

Subclass	Position titles	Maximum hourly rate
11	Nurse	\$71.87
	Nurse team leader	
	Nurse educator	
	Nurse (Institut Pinel)	
	Assistant head nurse (AIC)	
	Assistant to the immediate superior (ASI)	
	Outpost/northern clinic nurse	
12	Nurse clinician	\$74.36
	Nurse clinician (Institut Pinel)	
	Nurse clinician assistant head nurse	
	Nurse clinician assistant to the immediate superior	
	Care counsellor nurse	
	Specialty nurse practitioner	
	Nurse surgical first assistant	
13	Clinical nurse specialist	\$80.00
	Respiratory therapist	
	Technical coordinator (inhalation therapy)	
	Clinical teacher (inhalation therapy)	
	Assistant head respiratory therapist	

## DIVISION VIII PROVISIONS WHOSE VIOLATION CONSTITUTES AN OFFENCE

**18.** A violation of sections 2 and 5 to 13 constitutes an offence.

## DIVISION IX TRANSITIONAL AND FINAL

**19.** Contract numbers 2022-8033 and 2023-8017 to which the Centre d'acquisitions gouvernementales is a party are not covered by this Regulation.

**20.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 13, which comes into force on 19 October 2026.

Subclass	Position titles	Maximum hourly rate
15	Nursing assistant	\$47.65
	Nursing assistant – team leader	
21	Beneficiary attendant (PAB)	\$41.96
	Attendant in a northern institution	
22	Health and social services aide	\$41.41
24	Establishment guard	\$41.23
41	Physiotherapy technologist	\$50.83
	Medical imaging technologist in radiodiagnostics	
	Radiation oncology technologist	
	Medical imaging technician in nuclear medicine	
	Specialized medical imaging technician or specialized medical imaging technologist	
	Specialized ultrasound technician or specialized ultrasound technologist – independent practice	
	Specialized radiation oncology technologist	
	Medical technologist	
Graduate medical laboratory technician		
42	Audiologist	\$71.40
	Dietician	\$65.62
	Occupational therapist	\$69.15
	Speech therapist	\$67.57
	Physiotherapist	\$70.84
43	Social work technician	\$48.43
	Specialized education technician	
	Educator	\$51.07
	Living unit or rehabilitation supervisor	
44	Pastoral facilitator	\$65.71
	Psycho-educator	\$64.61
	Psychologist	\$80.28
	Social worker	\$64.43
	Human relations officer	

The rates prescribed in this Schedule are increased for services performed in a health region provided for in paragraph 3 of section 2 of this Regulation:

- (1) by 35% until 19 October 2025;
- (2) by 20% from 20 October 2025 to 18 October 2026.

**SCHEDULE II**

(Section 10)

## INDEMNITIES

**Indemnities for travel and lodging indemnities that may be granted for services performed in a health region provided for in paragraph 3 of section 2 of this Regulation**

1. An indemnity equivalent to \$0.525 per kilometre travelled for the use of a motor vehicle, calculated according to the most direct road between the domicile of the personnel member of the personnel placement agency and the place of lodging determined by the health and social services body, where more than 50 kilometres is travelled, for a total not exceeding 1,500 kilometres per assignment.

2. An indemnity representing the actual expenses incurred for travel by public transit, such as taxi, bus, train or airplane in economy class, if the cost of that travel is less than the cost of travel referred to in section 1 of this Schedule or for travel by airplane to a facility situated north of the 50th parallel or in the Îles-de-la-Madeleine.

3. An additional indemnity, equivalent to the hourly rate agreed on, multiplied by the travel time, for a maximum of 8 hours per trip.

4. An indemnity for lodging expenses of \$157 per day worked, to which is added the amount of the lodging tax, if applicable; the indemnity is reduced by 50% if the overnight stay is in a dwelling belonging to the personnel placement agency or leased by that agency under a lease of at least 6 months. The same applies if the dwelling belongs to or is leased by an enterprise or a person who exercises legal control over the agency.

The choice of the mode of transportation, the dates and the location of the overnight stay must be authorized by the health and social services body. The overnight stay may be authorized where a period of work is planned the next day or where that period ends too late to allow the personnel member of the personnel placement agency to return home.

Travel indemnities cannot be cumulated on a daily basis if they are higher than the lodging indemnity. In such cases, the lodging indemnity is paid even without an overnight stay, where work resumes the next day.

**Travel indemnities that may be granted for a service dispensed at the domicile of a user**

1. An indemnity equivalent to \$0.525 per kilometre travelled for the use of a motor vehicle, calculated according to the most direct road between the assigned place of work and the domicile of the user or, where a number of users are visited, according to the most direct route from the assigned place of work and all the domiciles of the users.

106492

**Notice**

Act respecting industrial accidents and occupational diseases  
(chapter A-3.001)

**Applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits for 2024**

Notice is hereby given that the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits for 2024, without amendment, at its sitting of 21 September 2023.

In accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft regulation was published on page 1373 in the *Gazette officielle du Québec* of 28 June 2023 with a notice that it could be adopted by the Commission upon the expiry of 45 days following the publication of that notice.

JULIE CERANTOLA

*Secretary General, Commission des normes,  
de l'équité, de la santé et de la sécurité du travail*

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