

M.O., 2024**Order 2024-013 of the Minister of Health dated
20 June 2024**

Act to make the health and social services system more effective
(2023, chapitre 34)

Regulation respecting certain conditions of employment of certain executive officers and other management officers of Santé Québec

MINISTER OF HEALTH,

CONSIDERING the first paragraph of section 59 of the Act to make the health and social services system more effective (2023, chapter 34), which provides that the Minister may, by regulation, determine the standards and scales to be used by Santé Québec for the selection, appointment and hiring of, and the remuneration and other conditions of employment applicable to, personnel members, subject to the provisions of a collective agreement;

CONSIDERING the second paragraph of section 59 of the Act, which provides that the Minister may, in particular, by regulation, establish a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion, prescribe a procedure for the settlement of disagreements over the interpretation and application of the conditions of employment the Minister establishes and prescribe a method for the designation of an arbitrator and the measures the arbitrator may take after having heard the parties;

CONSIDERING THAT it is expedient to make the Regulation respecting certain conditions of employment of certain executive officers and other management officers of Santé Québec;

ORDERS AS FOLLOWS:

The Regulation respecting certain conditions of employment of certain executive officers and other management officers of Santé Québec, attached to this Order, is hereby made.

CHRISTIAN DUBÉ
Minister of Health

**Regulation respecting certain conditions
of employment of certain executive officers
and other management officers of Santé
Québec**

Act to make the health and social services system more effective
(2023, chapter 34, s. 59)

**CHAPTER I
TRANSFERRED MANAGEMENT OFFICERS**

1. The standards and scales to be used by Santé Québec for remuneration and other conditions of employment, except selection, appointment and hiring, and that apply to transferred management officers are those set out in the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S 4.2, r. 5.1), with the adaptations provided for in this Regulation and the other necessary adaptations.

2. For the purposes of this Regulation, a transferred management officer is a person who

(1) before being transferred pursuant to section 1474 of the Act to make the health and social services system more effective, was part of the management personnel; or

(2) before being transferred pursuant to that section, was not governed by a collective agreement, was not part of the management personnel and

(a) performed a coordination role representing the employer;

(b) supervised personnel members;

(c) was responsible for issues of national scope;

(d) made decisions having an impact on health and social services institutions;

(e) had unique and critical expertise in the updating of processes.

3. A transferred management officer is, for the purposes of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, a senior officer if, before being transferred, the transferred management officer held one of the positions listed in Schedule I.

In other cases, the transferred management officer is an intermediate officer.

4. The probation period provided for in section 8 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions applies only to a transferred management officer who, at the time of the transfer, had not been part of the management personnel for at least twelve months.

In such a case, the duration of the probation period is the difference between 12 months and the duration of the period prior to transfer when the transferred management officer was part of the management personnel.

5. A transferred management officer referred to in the first paragraph of section 3 is, at the time of the transfer to Santé Québec, placed in a salary class in accordance with the provisions of section 15.1 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions. Other transferred management officers are, at the same time, placed in a salary class in accordance with the provisions of section 15 of that Regulation.

If, following a transfer, the remuneration the transferred management officer would have received, had the officer not been transferred, is retroactively increased starting on a date prior to the date of transfer, the placement in a salary class provided for in the first paragraph must be revised to replace the salary received by the transferred management officer prior to transfer by the retroactively increased salary.

The transferred management officer is entitled to receive, from the time of the revision, any amount missing from the salary paid between the time of the transfer and the time of the revision, to ensure that the salary paid reflects the revision.

6. The second paragraph of section 6.0.1 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, introduced by section 6 of the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, enacted by Order 2024-007 of the Minister of Health dated 19 March 2024, does not apply to days of vacation accumulated by a transferred management officer prior to the transfer to Santé Québec.

7. For the purposes of section 6.0.2 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, introduced by section 6 of the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social

services institutions, enacted by Order 2024 007 of the Minister of Health dated 19 March 2024, the number of years of continuous service acquired by a transferred management officer at the Ministère de la Santé et des Services sociaux prior to transfer is counted.

CHAPTER II

EXECUTIVE OFFICERS AND OTHER MANAGEMENT OFFICERS APPOINTED BY SANTÉ QUÉBEC

8. The standards and scales to be used by Santé Québec for the remuneration and other conditions of employment of a personnel member given hierarchical, functional or advisory responsibilities in connection with planning, organization, management coordination or monitoring functions, and who holds a position which, if the personnel member was at a health and social services institution, would be a position within the meaning of a regulation referred to in one of the following subparagraphs, are the standards and scale provided for in that Regulation, with the adaptations provided for in this Regulation and the other necessary adaptations:

(1) the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions;

(2) the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2).

Santé Québec may only give a personnel member responsibilities referred to in the first paragraph if the personnel member was appointed to a position that corresponds to a position with a similar set of tasks at a health and social services institution.

9. Section 8 does not apply to

- (1) the president and chief executive officer;
- (2) a president and executive director;
- (3) a vice-president;
- (4) an assistant president and executive director;
- (5) an assistant vice-president.

10. The maximum amount that Santé Québec may pay as an annual salary to a person referred to in paragraph 3 or 5 of section 9 may not be equal to or in excess of the salary paid to the president and chief executive officer.

Similarly, Santé Québec may not grant such a person conditions of employment that are more advantageous than those of the president and chief executive officer.

CHAPTER III PROVISIONS APPLYING TO BOTH TRANSFERRED MANAGEMENT OFFICERS AND CERTAIN APPOINTED MANAGEMENT OFFICERS, AND ADAPTATION OF CERTAIN PROVISIONS

11. The provisions of Chapter 6 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions apply to transferred management officers and to the personnel members of Santé Québec referred to in section 8 when, pursuant to that section, that Regulation applies to their conditions of employment.

Similarly, the provisions of Chapter 7 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions apply to the personnel members of Santé Québec referred to in section 8 when, pursuant to that section, that Regulation applies to their conditions of employment.

12. For the application of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions and the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions to a transferred management officer or a member of the personnel of Santé Québec referred to in section 8, in addition to the other adaptations provided for by this Regulation, the following adaptations must be made:

(1) the definition of “employer” in those Regulations includes Santé Québec;

(2) the definition of “continuous service” includes the employment relationship with Santé Québec;

(3) a reference to the employer’s organization plan is a reference to any document drawn up by Santé Québec that shows at least the organization chart and the tasks given to a management officer;

(4) a reference to the board of directors is a reference to the board of directors of Santé Québec.

In addition, for the application of the provisions of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions to a transferred management officer, the following adaptations must be made:

(1) a reference to the date of taking over duties is a reference to the time of transfer;

(2) a reference to an appointment is a reference to a transfer.

CHAPTER IV FINAL PROVISION

13. This Regulation comes into force on 21 June 2024.

SCHEDULE I (Section 3)

MANAGEMENT OFFICERS TRANSFERRED TO SENIOR OFFICER POSITIONS

- Director of support for community activities;
- Director of performance for emergency pre-hospital services;
- Director of surgical services;
- Director of conditions of employment for senior personnel and classification;
- Assistant director of employee experience;
- Director of funding policies and resource allocation;
- Director of financial monitoring – network;
- Director of building projects;
- Director of biomedical engineering, logistics and supplies;
- Director of investment coordination and financing;
- Director of institutional relations;
- Director of investigations, assessments and inspections;
- Assistant director of investigations and inspections – commercial and institutional sector;
- Assistant director of assessments and inspections, Western Québec living environments;
- Assistant director of assessments and inspections, Eastern Québec living environments;
- Assistant executive director, operational management and improved access;
- Director of operations, vaccination and tracing;
- Director of strategic development and client support;
- Principal director of information technology management;

—Assistant executive director, information technology project bureau;

—Assistant executive director, licences and information systems.

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