

Info sheet no. 4

Bill 10's Impact on the Provincial Committee on the delivery of services in English

A lexicon of terms used is presented at the end of this sheet.

The Government of Quebec has created a Provincial Committee (PC) on the delivery of health and social services in English. The committee is sometimes referred to as the Provincial Advisory Committee, but 'Advisory' is not part of its official title.

The legal basis of the committee is found in section 509 of the Health and Social Services Act, often referred to as S 4.2:

509. The Government shall, by regulation, provide for the formation of a provincial committee entrusted with advising the Government on

(1) the dispensing of health and social services in the English language;

(2) the approval, evaluation and modification by the Government of each access program developed by an agency in accordance with section 348.

The regulation must provide for the composition of the committee, its rules of operation and internal management, the manner in which its affairs are to be conducted and its functions, duties and powers.

The article refers to the power of the government to adopt a regulation regarding the committee, which it has done, and which is attached to this document.

The two main functions of the committee are to advise the government on:

- the dispensing of health and social services in English, and
- the approval, evaluation and modification of regional Access Programs. (For more about Access Programs see the Info sheet on this subject.)

Adoption of Bill 10 added two more important responsibilities:

- approving the organizations to be invited to nominate candidates for Regional Access Committees
- right of veto over any institution's request to the OQLF for the withdrawal of recognition as being bilingual under section 29.1 of the Charter

Regarding nominations to Regional Access Committees, section 108 of Bill 10 reads as follows:

108. For the purposes of section 510 of the Act, the references to an agency in the first paragraph are references to a public institution and the reference to an agency in the third paragraph is a reference to an integrated health and

social services centre or, for regions having more than one integrated centre, to the one resulting from the amalgamation of the agency and other institutions.

The by-law referred to in the second paragraph of section 510 of the Act must prescribe that a regional committee is to be composed of not fewer than seven nor more than 11 members who are representative of the region's English-speaking population. It must also prescribe that the members of the committee are to be appointed by the board of directors of the integrated centre from a list of names provided by organizations that promote the interests of English speakers and are identified by the provincial committee set up in accordance with section 509 of the Act.

In the Montréal region, the lists of names are provided by organizations that promote the interests of English speakers and are identified by the integrated centres recognized under section 29.1 of the Charter of the French language (chapter C-11).

In regions having more than one public institution, the by-law mentioned in the second paragraph is adopted after consultation with those institutions.

While the beginning of this section may appear convoluted, it establishes that there will be one Regional Access Committee in each region, including those that have more than one CI. The underlined section calls for the Provincial Committee to approve the list of organizations to be used by the regional CIs when they solicit candidates to become members of regional Access Committees. The provincial committee has this responsibility regarding all regions except Montreal. On the island of Montreal it is the two CIUSSSs which are recognized as bilingual, Centre-Ouest and Ouest-de-l'Île, which share the responsibility to approve this list. (For more about Regional Access committees, see Info sheet no. 5.)

With respect to veto over an institution's request for withdrawal of recognition by the OQLF, section 208 states:

208. *An integrated health and social services centre resulting from an amalgamation under this Act that requests the withdrawal of a recognition under the third paragraph of section 29.1 of the Charter of the French language (chapter C-11) must, for the request to be admissible, file the request together with a favourable recommendation by at least two thirds of the members of the regional committee for programs of access to health services and social services in the English language established under section 510 of the Act respecting health services and social services (chapter S-4.2) for the region and a favourable recommendation by the provincial committee for the delivery of health and social services in the English language established under section 509 of that Act.*

The request for withdrawal of the recognition of a grouped institution must also be accompanied by a favourable recommendation by at least two thirds of the votes cast by the members of that institution.

The measures in this section are such that the three instances that must agree to withdrawal of 29.1 recognition give representatives of the English-speaking community considerable opportunity to know of and agree or override any such request.

The committee is attached to the Health and Social Services minister, who appoints its eleven members. The Minister is empowered to enact regulations that govern the committee (see attached). The ministry has a small Secretariat whose role is to support the functioning of the committee (holding of meetings, organization of consultations, production of documents, etc.).

The committee members are chosen according to procedures stated in the regulation, which currently calls for members in four main categories:

- Two Users of health and social services (the regulations don't specify if the services should be in English);
- Three persons from community organizations committed to the promotion of the interests of the English-speaking population, and to activities related to the health and social services field, and to volunteer work;
- Three persons working in the health and social service field (there is no specification they be involved in provision of services in English);
- Three persons working in the education, municipal, economic or labor fields (again, with no specification about connection to the English-speaking population).

To solicit candidates the minister invites organizations, associations or health and social service institutions to provide lists of candidates according to the above-mentioned categories.

At the time of writing (March 2016) the ministry is undertaking a consultation with a view to revising the by-law governing the committee. The descriptions of the desirable profile for members, and the way members are nominated were key components of QCGN's submission to the consultation, as well of that of sister organizations. The aim of these submissions is to have provisions in the by-law that assure that the persons nominated are credible representatives of the English-speaking community, and have a detailed understanding of how the public network functions.

The members are not remunerated, but their eligible expenses are reimbursed. They serve a three-year term, which can be renewed once. Apart from their discussions as a committee, the members may also consult persons, organizations and associations regarding a particular subject (e.g.: provision of services in English in a particular

region, or provision of a particular type of service in English). They meet at least six times a year.

While the committee is attached to the health and social services ministry, its duties are to advise the government. This is usually done in the form of a written opinion (an '*avis*'), or in a letter addressed from the committee president to the minister stating the committee's views on a particular subject. The minister determines how the opinions and views will be handled. In the case of opinions concerning Access Programs they are brought to the cabinet as part of their deliberations when they approve Access Programs. The minister may submit the committee's opinion or views to an institution or another part of government depending on the subject.

The most important function of the committee is its consideration of the Access Programs. Since the right to health and social services in English is in fact limited to access to the services described in Access Programs, the analysis conducted by the committee, and its recommendations prior to adoption by cabinet are a crucial contribution to making the right meaningful. For more about Access programs see Info sheet no. 6.

LEXICON

Terms in bold are those used in the Information Sheet series.

Terms following the = sign are the equivalent terms found in the English version of the laws referred to, where an English term exists.

Bill 10 = O 7.2 = the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies

Charter = la Charte de la langue française

CI (Centre Intégré) = integrated health and social services centre

OQLF = Office Québécoise de la langue française

Provincial Advisory Committee = Provincial Committee on the dispensing of health and social services in the English language

Regional Access Committee = Regional Committee

Resident = In-patient

S 4.2 = the Act Respecting Health Services and Social Services

Specialized hospitals = unamalgamated institution

Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language

An Act respecting health services and social services

(chapter S-4.2, s. 509)

DIVISION I

COMPOSITION AND OPERATION

1. The Provincial Committee on the dispensing of health and social services in the English language is hereby established. It shall be composed of 11 members who represent the English-speaking population as follows:

(1) 2 users of health and social services;

(2) 3 persons from community organizations committed to the promotion of the interests of the English-speaking population, to activities related to the field of health and social services and volunteer work;

(2) 3 persons working in the field of health and social services;

(4) 3 persons working in the education, municipal, economic or labour field.

2. The Minister of Health and Social Services shall, taking into account the purpose for which the committee was established, invite organizations, associations or health and social services institutions to provide a list of persons belonging to each of the groups referred to in section 1. The Minister shall appoint the members of the committee based on those lists.

3. The term of office of the chairman and the other members of the committee is a maximum of 3 years.

Upon the expiry of their term, they shall remain in office until they are reappointed or replaced.

Notwithstanding the foregoing, their term cannot be renewed more than once.

4. A member's office becomes vacant upon the member's death, if the member is absent from 4 consecutive regular sittings without explanation for the absence or if he transmits his resignation in writing to the Minister and a copy thereof to the chairman.

5. The members of the committee are not remunerated. They are entitled to the reimbursement of expenses incurred in the performance of their duties on the conditions and to the extent determined by the Government in accordance with section 165 of the Act respecting health services and social services (chapter S-4.2).

6. The members of the committee shall appoint a chairman and a vice-chairman from among their number.

The Minister shall appoint one of the members of the staff of the Ministère de la Santé et des Services sociaux to act as secretary of the committee.

7. Any vacancy occurring during a term shall be filled, for the unexpired portion of the term, according to the mode of appointment prescribed in section 2.

8. The chairman shall preside over the meetings of the committee and manage the activities thereof. The chairman shall also act as the liaison between the committee and the Minister.

The vice-chairman shall stand in for the chairman when the chairman is absent or unable to act.

9. The head office of the committee shall be situated in the territory of Ville de Montréal.

10. The duties of the secretary shall be as follows:

(1) give the notices of meetings;

(2) prepare and sign the minutes of the committee meetings and, after their adoption, ensure that they are signed by the chairman;

(3) ensure the keeping and conservation of the committee archives;

(4) keep a complete, updated list of the members of the committee and their addresses;

(5) certify the minutes and the documents of the committee;

(6) perform any other duty that may be assigned to him by the committee, relative to the committee's mandate.

DIVISION II

INTERNAL MANAGEMENT

11. The committee shall hold its meetings at its head office or at any other location in Québec determined in the notice of meeting.

12. The committee shall sit not fewer than 6 times a year.

13. Meetings of the committee shall be called by the chairman or the secretary.

The secretary is required to call a meeting of the committee at the written request of not fewer than 8 members.

14. The committee shall be convened by a notice in writing transmitted to the home or business address of each member. Upon the decision of the chairman, the committee may depart from the formal calling of a meeting and hold a meeting of the committee by telephone conferencing.

15. Six members, including the chairman or vice-chairman, constitute a quorum of the committee.

16. The decisions of the committee are made by a majority of the members present. In the case of a tie, the chairman of the committee or in his absence the vice-chairman has a casting vote.

17. Any meeting of the committee may be adjourned to a future date without a new notice of meeting.

DIVISION III

DUTIES, FUNCTIONS AND POWERS

18. The committee may

(1) engage in consultations, seek the views and receive and hear the requests and suggestions of persons, organizations and associations in order to give advice and make recommendations in accordance with section 509 of the Act;

(2) form sub-committees;

(3) foster the creation and circulation of literature and information programs respecting the dispensing of health and social services in the English language.

19. The committee shall, not later than 30 June of each year, prepare a report of its activities for the Minister for the year ending the previous 31 March.

REFERENCES

O.C. 683-93, 1993 G.O. 2, 2787