

chapter R-24.0.2

ACT RESPECTING THE REPRESENTATION OF FAMILY-TYPE RESOURCES AND CERTAIN INTERMEDIATE RESOURCES AND THE NEGOTIATION PROCESS FOR THEIR GROUP AGREEMENTS

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CHAPTER I

SCOPE

1. This Act applies to family-type resources within the meaning of the Act respecting health services and social services (chapter S-4.2) and to intermediate resources within the meaning of that Act provided, in the latter case, that the natural person operating the resource

(1) takes in, at his or her principal place of residence, a maximum of nine users referred by one or more public institutions; and

(2) even in the temporary absence of users, maintains his or her principal place of residence as a residence for such users.

This Act also applies to the associations that represent such resources.

2009, c. 24, s. 1.

2. This Act does not apply to persons a resource referred to in section 1 hires directly to provide assistance or act as a replacement on a temporary basis.

An intermediate resource who provides services through a legal person, even if the resource controls that legal person, is excluded from the application of this Act.

2009, c. 24, s. 2.

CHAPTER II

RIGHT OF ASSOCIATION

DIVISION I

RECOGNITION OF A RESOURCE ASSOCIATION

3. A resource to whom this Act applies has the right to belong to the resource association of that resource's choice and to participate in the formation, activities and management of such an association.

2009, c. 24, s. 3.

4. A resource association is entitled to recognition by the Administrative Labour Tribunal if

(1) it is a professional syndicate within the meaning of the Professional Syndicates Act (chapter S-40) or an association whose object is similar to that of such a syndicate;

(2) it meets the conditions set out in this Act as to the representation of resources that are attached to a public institution and are part of one of the two following groups:

(a) foster families and intermediate resources for children; or

(b) foster homes and intermediate resources for adults; and

(3) it meets the other conditions set out in this Act.

2009, c. 24, s. 4; 2015, c. 15, s. 202.

5. A resource association may only be recognized if its by-laws

(1) provide for the right of its members to participate in meetings and to vote;

(2) require that its financial statements be disclosed to its members each year and that copies be given free of charge to any member who requests them; and

(3) require that any election to an office within the association be by secret ballot of its members.

2009, c. 24, s. 5.

6. For the purposes of the recognition of a resource association, only one person may sign a membership form and vote on behalf of a given resource.

To determine the specific character of a resource that takes in both adults and children, the greater number of recognized places assigned to one of the clienteles is the deciding factor. If an equal number of places is assigned to two clienteles, the resource chooses the group of resources it wishes to belong to.

If a resource is bound to more than one public institution, the combined number of places used by the institutions must be taken into account to determine whether the resource meets the requirement of subparagraph 1 of the first paragraph of section 1 regarding the maximum of nine users the resource may take in.

2009, c. 24, s. 6.

7. No person may use intimidation or threats to induce someone to become a member, refrain from becoming a member or cease to be a member of a resource association.

2009, c. 24, s. 7.

8. No person may, in any manner, seek to dominate or hinder the formation or activities of a resource association.

2009, c. 24, s. 8.

9. A complaint relating to section 7 or 8 must be filed with the Tribunal within 30 days after the alleged contravention comes to light.

2009, c. 24, s. 9; 2015, c. 15, s. 237.

10. An application for recognition of a resource association is made in the form of a written document addressed to the Tribunal and identifying the group of resources attached to a public institution it wishes to represent; the application must be sent together with duly dated membership forms. On receipt of the application, the Tribunal sends a copy to the Minister and to the institution concerned along with any information it considers appropriate.

The application must be authorized by a resolution of the association and be signed by representatives specially mandated for that purpose.

Within 20 days after receiving a copy of the application, the Minister sends to the Tribunal and the association a list of the names and contact information of all resources attached to the public institution named in the application.

The Tribunal may, by any means it considers appropriate, make a copy of the application available to the public for consultation.

2009, c. 24, s. 10; 2015, c. 15, s. 237.

11. An application for recognition must be accompanied by up-to-date documents evidencing the establishment of the association, a certified copy of its by-laws and a list of its members.

REPRESENTATION OF FAMILY-TYPE RESOURCES

To be considered a member of an association, a resource must, on or before the date on which the application for recognition is filed,

- (1) be attached to the public institution named in the application;
- (2) have signed, and not revoked, a duly dated membership form; and

(3) have personally paid the initiation fee, set by the association, within the 12 months preceding the date on which the association's application for recognition is filed.

2009, c. 24, s. 11.

12. Recognition may be applied for

(1) at any time with regard to a group of resources attached to a public institution for which no association is recognized;

(2) 12 months after the date on which an association was recognized, if no group agreement has been reached and provided no dispute is under arbitration and no concerted pressure tactics permitted under this Act are being used;

(3) nine months after the date on which a group agreement expired, if a subsequent agreement has not been reached and provided no dispute is under arbitration and no concerted pressure tactics permitted under this Act are being used;

(4) from the ninetieth to the sixtieth day prior to the date of expiry or renewal of a group agreement whose term is three years or less; and

(5) from the one hundred and eightieth to the one hundred and fiftieth day prior to the expiry or renewal of a group agreement whose term is more than three years and, where such term so allows, during the period extending from the one hundred and eightieth to the one hundred and fiftieth day prior to the sixth anniversary of the signing or renewal of the group agreement and every second anniversary thereafter, except where such a period would end within 12 months of the one hundred and eightieth day prior to the expiry or renewal of the group agreement.

2009, c. 24, s. 12.

13. The filing of an application for recognition with respect to a group of resources without a recognized association renders inadmissible any other application filed after the date of the first filing.

For the purposes of the first paragraph, an application is deemed to have been filed on the day it is received by one of the offices of the Tribunal.

2009, c. 24, s. 13; 2015, c. 15, s. 237.

14. If an application for recognition is rejected by the Tribunal or withdrawn, no further application may be filed for a period of three months except in the case of an application inadmissible under section 13.

2009, c. 24, s. 14; 2015, c. 15, s. 237.

15. The Tribunal grants recognition if it is satisfied that the membership of the applicant association comprises an absolute majority of the resources who are attached to the public institution named in the application and are part of any of the two groups referred to in paragraph 2 of section 4, and that the other conditions set out in this Act have been met.

If between 35% and 50% of those resources are members of the association, the Tribunal holds a secret ballot to ensure that the association is truly representative. The Tribunal grants recognition to the association

if it obtains an absolute majority of the votes of the resources attached to the institution and meets the other conditions set out in this Act.

2009, c. 24, s. 15; 2015, c. 15, s. 237.

16. If two or more associations seek recognition to represent the same group of resources attached to a public institution and the membership of one of them comprises an absolute majority of the resources in the group concerned, the Tribunal grants recognition to that association provided it meets the other conditions set out in this Act.

If none of the associations meet the requirements of the first paragraph, but at least one of them has a membership comprising between 35% and 50% of the resources in the group concerned, the Tribunal holds a secret ballot to ensure that the association is truly representative.

Only the association or associations whose membership comprises at least 35% of the resources concerned and the association of resources already recognized, if any, are to appear on the ballot. The Tribunal grants recognition to the association that obtains the most votes provided the resources who participate in the vote constitute the absolute majority of the resources and the other conditions set out in this Act are met.

2009, c. 24, s. 16; 2015, c. 15, s. 237.

17. The Tribunal makes its decision within 60 days of receiving an application and notifies the applicant; a copy of the decision is sent to the Minister.

If granted, recognition takes effect on the date of notification.

2009, c. 24, s. 17; 2015, c. 15, s. 237.

18. The Tribunal may not grant recognition to an association if it is established to the Tribunal's satisfaction that section 7 or 8 has been contravened by that association.

The Tribunal may, on its own initiative, investigate any alleged contravention of either of those sections, and when ruling on an application for recognition, the Tribunal may, on its own initiative, invoke non-compliance.

2009, c. 24, s. 18; 2015, c. 15, s. 237.

19. A resource's membership in a resource association may not be revealed by anyone during recognition or recognition revocation proceedings, except to the Tribunal, a member of its personnel, or the judge of a court to which application for judicial review under the Code of Civil Procedure (chapter C-25.01) relating to a recognition is referred. These persons and any other person who becomes aware of a person's membership in such an association are bound to secrecy.

2009, c. 24, s. 19; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP).

20. A recognized resource association represents all the resources in the representation unit. It has the following rights and powers:

- (1) to defend and promote the economic, social, moral and professional interests of the resources;
- (2) to cooperate with any organization pursuing similar interests;
- (3) to research or study any subject likely to have an impact on the economic and social situation of the resources;
- (4) to set the amount of dues payable by the resources; and

(5) to negotiate and sign a group agreement in accordance with this Act.

2009, c. 24, s. 20.

21. A recognized resource association notifies the Minister in writing of the amount it has set as dues and of any subsequent modification. Within 30 days after receiving such notification, the amount of the dues is withheld from the remuneration paid to the resources represented by the association. The total amount of the dues withheld is remitted to the association each month.

2009, c. 24, s. 21.

22. A recognized resource association must not act in bad faith or in an arbitrary or discriminatory manner, or exhibit serious negligence towards any resources, whether or not they are members of the association.

2009, c. 24, s. 22.

23. A resource who believes that an association has contravened section 22 may lodge a complaint with the Tribunal within six months after the occurrence of the alleged contravention.

If the Tribunal is of the opinion that the association has contravened section 22, it may authorize the resource to submit the complaint to an arbitrator appointed by the Minister of Labour for a decision in accordance with the disagreement arbitration procedure provided for in the group agreement or, in the absence of such a procedure, in accordance with the procedure provided for in section 56. The association pays the expenses incurred by the resource.

2009, c. 24, s. 23; 2015, c. 15, s. 237.

24. If a complaint is referred to an arbitrator under section 23, the Minister may not allege the association's non-observance of the procedure or the time periods provided for in the group agreement for the settlement of disagreements.

2009, c. 24, s. 24.

25. At the Tribunal's request, a recognized resource association must send a list of its members to the Tribunal, in the form and within the time determined by the Tribunal.

The association must also, at the Tribunal's request, send a copy of any change in its constitution or by-laws to the Tribunal.

2009, c. 24, s. 25; 2015, c. 15, s. 237.

26. The Minister or a resource association whose membership comprises at least 35% of the resources in the same group attached to a public institution may, within the time periods specified in paragraphs 2 to 5 of section 12, ask the Tribunal to verify whether a recognized association still exists or still meets the conditions for recognition under this Act.

The Tribunal notifies the parties of the result of the verification and allows them to present observations within 10 days after receiving such notification.

2009, c. 24, s. 26; 2015, c. 15, s. 237.

27. The Tribunal revokes the recognition of any association that has ceased to exist or no longer meets the conditions set out in this Act and, if appropriate, grants recognition to another association.

A newly recognized association is subrogated by operation of law in all rights and obligations resulting from a group agreement that is binding on another association and in force. It is bound by the agreement as

though it were named in it and becomes a party to any proceeding relating to the group agreement in the place and stead of the former association.

2009, c. 24, s. 27; 2015, c. 15, s. 237.

28. When the Tribunal revokes a recognition, it notifies the association and the Minister. The revocation takes effect on the date of notification and entails the forfeiture of any rights and advantages the association may have enjoyed under this Act or a group agreement.

2009, c. 24, s. 28; 2015, c. 15, s. 237.

29. At any time, at the request of an interested party, the Tribunal may decide whether a person is a resource to whom this Act applies or a member of an association or belongs to the representation unit, or any other question that may arise while an association is recognized.

2009, c. 24, s. 29; 2015, c. 15, s. 237.

DIVISION II

MODIFICATION WITH RESPECT TO A PUBLIC INSTITUTION

30. If the Minister authorizes the amalgamation or a change in the legal structure of the public institution with respect to which a resource association has been recognized or has filed an application for recognition, the Minister notifies the association or associations concerned in writing.

The recognized association continues to represent the resources attached to the original public institution until the Tribunal rules on the representativeness of the association given the new public institution concerned.

Upon such ruling, the Tribunal may

- (1) grant or amend a recognition; or
- (2) recognize the resource association whose membership comprises an absolute majority of the resources attached to the new public institution, or hold a secret ballot under section 16 and grant recognition to the association that obtains the most votes in accordance with that section.

Despite the second paragraph of section 27, the group agreement that is binding on the association recognized for the group of resources attached to the new public institution applies, as of the date on which it is recognized, to all the resources.

The Tribunal revokes the recognition of any resource association that no longer meets the conditions set out in this Act.

2009, c. 24, s. 30; 2015, c. 15, s. 237.

31. At the request of an interested party, the Tribunal may rule on any question relating to the applicability of section 30 and resolve any difficulty arising from its application and effects, in the manner it considers the most appropriate.

2009, c. 24, s. 31; 2015, c. 15, s. 237.

DIVISION III

GROUP AGREEMENTS

32. The Minister may, with the authorization of the Conseil du trésor and on the conditions the Minister determines, negotiate and sign a group agreement with a recognized resource association or group of such associations.

A group of recognized associations is a union, federation, confederation, legal person, labour body or other organization which a recognized resource association joins, belongs to or is affiliated with.

For the purpose of negotiating a group agreement, the recognized association or the group of associations to which it belongs designates a person to act as bargaining agent.

2009, c. 24, s. 32.

33. The subjects covered in the group agreement may include the following:

(1) the modes and scale of remuneration for the services delivered by the resources to which the agreement applies and of special remuneration for such resources, taking into account the classification established by the Minister under section 303 of the Act respecting health services and social services (chapter S-4.2), as well as the various measures and the terms and conditions applicable to the payment of the remuneration;

(2) the amounts intended to provide the resources with access to programs and services that meet their needs, in particular with regard to plans in such areas as employment benefits, health, safety, training and professional development;

(3) the terms and conditions applicable to days of leave for resources;

(4) the procedure for settling disagreements as to the interpretation or application of the provisions of the group agreement; and

(5) the setting up of committees to determine the mechanics of the different programs.

2009, c. 24, s. 33.

34. The remuneration referred to in paragraph 1 of section 33 is determined as follows:

(1) the parties determine what constitutes, for a full service load carried by a resource, a remuneration comparable to the remuneration of persons engaging in analogous activities. To this end, the parties identify jobs in related sectors of activity and adopt an appropriate evaluation methodology;

(2) the parties determine a rate structure such that the net remuneration of a resource with a full service load is equitable in relation to the annual salary for the jobs evaluated, taking into account, among other things, the number of days worked and the benefits available to resources under any other Act;

(3) to establish the net remuneration, reasonable operating expenses incurred in the delivery of services and the compensation provided for in subparagraphs *b* and *c* of paragraph 4 must be subtracted from the remuneration; what constitutes reasonable operating expenses for a resource with a full service load is determined by the parties;

(4) the daily remuneration paid to the resource must comprise

(a) an integrated, overall percentage to stand in lieu of monetary compensation for days of leave equivalent to those paid under the Act respecting labour standards (chapter N-1.1) and the National Holiday Act (chapter F-1.1);

(b) financial compensation to offset the difference between the rate of the premium or contribution applicable to a self-employed worker under the plans established by the Act respecting parental insurance (chapter A-29.011) and the Act respecting the Québec Pension Plan (chapter R-9), and the rates applicable to an employee under those plans; and

(c) financial compensation so that a resource may enjoy coverage under the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

2009, c. 24, s. 34.

35. The group agreement must provide for the payment, according to the terms and conditions agreed by the parties, of compensation to a resource for loss of income and other benefits sustained because of a suspension or revocation of recognition subsequently contested before and annulled by the Administrative Tribunal of Québec under section 305.1 of the Act respecting health services and social services (chapter S-4.2).

2009, c. 24, s. 35.

36. Provided the parties to the group agreement have agreed on terms applicable to a cessation of services, the resource may obtain benefits equivalent to days of unpaid leave under the Act respecting labour standards (chapter N-1.1), according to the reason for and the length of the absence and taking into account all the circumstances and the relevant provisions of the Act respecting health services and social services (chapter S-4.2).

2009, c. 24, s. 36.

37. A group agreement may not deal with

(1) a rule, standard or measure to which the resources to whom the group agreement applies are already subject under the Act respecting health services and social services (chapter S-4.2), the Youth Protection Act (chapter P-34.1) or the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1) or their regulations;

(2) subjects exclusive to a specific agreement referred to in section 55; or

(3) the exercise of the powers and responsibilities referred to in sections 62 and 63.

2009, c. 24, s. 37.

38. A group agreement signed by a group of recognized associations is binding on each member association or affiliated association, including any new member association or affiliated association.

A group agreement applies to all resources represented by the association that is bound by the agreement. It also applies to any new resource who becomes attached to the public institution.

A group agreement is binding on all the public institutions to which those resources are attached.

2009, c. 24, s. 38.

39. The Minister or recognized resource association or group of such associations may initiate negotiations for a group agreement by giving the other party at least 30 days' written notice of a meeting for the purpose of negotiating a group agreement.

A party that is already bound by a group agreement may give such notice within the 90 days preceding the expiry of the agreement.

2009, c. 24, s. 39.

40. The parties must begin to negotiate at the time set out in the notice and carry on the negotiations with diligence and good faith.

2009, c. 24, s. 40.

41. During group agreement negotiations, the Minister must consult each association of institutions that has as members institutions to which the resources are attached. The Minister may invite an association to attend negotiation sessions.

For the purposes of this section, “association of institutions” means the Association québécoise d’établissements de santé et de services sociaux (AQESSS), the Association des centres jeunesse du Québec, the Fédération québécoise des centres de réadaptation en déficience intellectuelle, the Association des établissements de réadaptation en déficience physique du Québec, the Association des centres de réadaptation en dépendance du Québec, as well as any other association the Minister deems to be representative of institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) that use the services of the resources to whom this Act applies.

2009, c. 24, s. 41.

42. A party may request that the Minister of Labour designate a mediator.

2009, c. 24, s. 42.

43. The mediator attempts to bring the parties to an agreement.

The parties must attend all meetings to which they are convened by the mediator.

2009, c. 24, s. 43.

44. The mediator has 60 days in which to bring the parties to an agreement. The Minister of Labour may, at the mediator’s request, extend the mediation period by a maximum of 30 days.

2009, c. 24, s. 44.

45. If the mediation period expires without an agreement, the mediator gives to the parties and the Minister of Labour a report specifying the matters that have been agreed on and those that are still in dispute, including any comments the mediator may have. This report is made public by the Minister of Labour.

2009, c. 24, s. 45.

46. The parties may jointly request that the Minister of Labour submit a dispute to an arbitrator. They agree beforehand on the limits within which the arbitrator is to render a decision. Sections 75 to 93, 103 and 139 to 140 of the Labour Code (chapter C-27) apply, with the necessary modifications.

2009, c. 24, s. 46.

47. A group agreement must have a set term of at least one year and, if it is a first agreement, of no more than three years.

If a fixed and definite term is not stipulated in the agreement, the agreement is deemed to be in force for one year.

2009, c. 24, s. 47.

48. A group agreement continues to apply after it expires until a new agreement comes into force.

2009, c. 24, s. 48.

49. The signing of a group agreement may occur only after being authorized in a secret ballot by a majority vote of the members of the recognized association who participated in the ballot.

The signing of a group agreement by a group of recognized associations may occur only after being authorized in a secret ballot by a majority vote of the members of the associations of the group who participated in the ballot.

2009, c. 24, s. 49.

50. A group agreement takes effect only on the filing of two duplicate originals or two true copies of the agreement and its schedules with the Minister of Labour. The same holds for any subsequent amendment to the agreement.

The filing has retroactive effect to the date stipulated in the agreement for its coming into force or, failing such a date, to the date the agreement was signed.

2009, c. 24, s. 50.

51. A group agreement is not invalidated by the nullity of one or more of its provisions.

2009, c. 24, s. 51.

52. A recognized resource association may exercise any recourse available under the group agreement to the resources it represents without having to establish an assignment of the claim of the resource concerned.

2009, c. 24, s. 52.

53. Any concerted pressure tactic which deprives a user of a service to which the user is entitled or diminishes the quality of such a service during the term of a collective agreement is prohibited.

At any other time, such pressure tactics may only be used if

- (1) 90 days have elapsed since the receipt of the notice required under section 39;
- (2) the pressure tactics have been authorized in a secret ballot by a majority vote of the members of the recognized association who participate in the ballot or, if the negotiations involve a group of associations, by a majority vote of the members of the associations in the group who participate in the ballot; and
- (3) the recognized association or group of associations sends the Minister and the Administrative Labour Tribunal written notice of the pressure tactics it is contemplating at least 15 days before resorting to them.

The Administrative Labour Tribunal may, on its own initiative or at the request of an interested person, exercise its powers under the Labour Code (chapter C-27) and the Act to establish the Administrative Labour Tribunal (chapter T-15.1) in order to enforce this section if, in its opinion, a pressure tactic is being used in contravention of the first paragraph or a pressure tactic used in accordance with the second paragraph is compromising or is likely to compromise the health or safety of a user.

2009, c. 24, s. 53; 2011, c. 16, s. 155; 2015, c. 15, s. 203.

54. A resource may not be penalized solely for lawfully using pressure tactics not prohibited under section 53 or for acting on any other right conferred by this Act.

Any complaint relating to the first paragraph must be filed with the Tribunal within 30 days after the alleged contravention comes to light.

2009, c. 24, s. 54; 2015, c. 15, s. 237.

55. A specific agreement between a public institution and a resource to whom a group agreement applies may not contravene the provisions of the group agreement. It must pertain exclusively to the number of recognized places assigned to the resource, the type of users that may be referred to the resource, the identification of the guarantors of the parties for the purpose of their business relationship, and its term.

A specific agreement may not be transferred. It does not come under section 108 of the Act respecting health services and social services (chapter S-4.2) nor is it subject to the Act respecting contracting by public bodies (chapter C-65.1).

A public institution that has signed a specific agreement may not amend it, terminate it before its expiry or prevent its renewal without the authorization of the agency concerned.

2009, c. 24, s. 55.

DIVISION IV

SETTLEMENT OF DISAGREEMENTS

56. Any disagreement on the interpretation or application of a group agreement must be settled according to the procedure provided for in the agreement.

If no procedure is provided for or if the agreement provides for arbitration, the disagreement must be submitted to an arbitrator. Sections 100 to 100.9, 100.11, paragraphs *a*, *c*, *d*, *e* and *g* of section 100.12, sections 100.16 to 101.9 and 139 to 140 of the Labour Code (chapter C-27) apply, with the necessary modifications.

2009, c. 24, s. 56.

57. Rights and recourses under a group agreement are prescribed six months after the date on which the cause of the action occurred. Recourse to the disagreement settlement procedure interrupts prescription.

2009, c. 24, s. 57.

CHAPTER III

MISCELLANEOUS PROVISIONS

58. The Government may, by regulation, establish a protective re-assignment plan for persons operating a resource to whom this Act applies, determine its requirements and mechanics and the rights and obligations of the parties involved, as well as the powers and duties of the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Administrative Labour Tribunal.

The Government may also, by regulation, determine how the plan is to be funded and managed.

Such a plan is administered by the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

2009, c. 24, s. 58; 2015, c. 15, s. 204.

59. The provisions of the Labour Code (chapter C-27) and the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal's jurisdiction under the provisions of this Act, except section 58. Likewise, the relevant provisions of the rules of evidence and procedure made under that Code, that Act and their regulations apply to any applications the Tribunal may receive.

2009, c. 24, s. 59; 2015, c. 15, s. 205.

60. Failure to comply with section 49 only gives rise to the application of Chapter IV.

2009, c. 24, s. 60.

61. The group representation and negotiation process established by this Act is complete and applies to the exclusion of any other process.

2009, c. 24, s. 61.

62. No provision of this Act or of a group agreement may restrict or affect the powers and responsibilities conferred by the Act respecting health services and social services (chapter S-4.2) and its regulations on public institutions, health and social services agencies or the Minister, nor restrict or affect the jurisdiction conferred on the Administrative Tribunal of Québec by that Act.

2009, c. 24, s. 62.

63. No provision of this Act or a group agreement may restrict or affect the powers and responsibilities

(1) of a health and social services agency with regard to the recognition of resources to whom the agreement applies;

(2) of a public institution with regard to recruiting and evaluating such resources;

(3) of a public institution with regard to the clinical and professional services required by the users referred to such resources; or

(4) of an institution with regard to controlling the quality of the services delivered to the users referred to such resources and with regard to making sure, by means of monitoring visits, that the intervention plan developed for those users is being followed.

The exercise of such powers and responsibilities does not result in the legal subordination of the resources to the public institution or the health and social services agency.

2009, c. 24, s. 63.

64. With the authorization of the Conseil du trésor, the Minister may make any element of an agreement between the Minister and a recognized resource association or a group of such associations applicable to a resource who is not represented by a recognized association.

However, the remuneration for the services provided by the resource remains the remuneration determined by the Minister under subparagraph 2 of the third paragraph of section 303 of the Act respecting health services and social services.

2009, c. 24, s. 64.

CHAPTER IV

PENAL PROVISIONS

65. Any person, association or group that fails to comply with a decision of the Administrative Labour Tribunal is guilty of an offence and is liable to a fine of \$1,000 to \$14,000 and of \$2,000 to \$28,000 for a second or subsequent conviction.

2009, c. 24, s. 65; 2015, c. 15, s. 237.

REPRESENTATION OF FAMILY-TYPE RESOURCES

66. Any person, association or group that contravenes section 7 is guilty of an offence and liable to a fine of \$2,000 to \$30,000.

2009, c. 24, s. 66.

67. Any person, association or group that contravenes section 8 is guilty of an offence and liable to a fine of \$1,000 to \$14,000.

2009, c. 24, s. 67.

68. A resource association that contravenes section 25 is guilty of an offence and liable to a fine of \$500 to \$5,000.

2009, c. 24, s. 68.

69. A resource association or group of such associations that contravenes section 49 is guilty of an offence and liable to a fine of \$500 to \$5,000.

2009, c. 24, s. 69.

70. Any person, association or group that declares, instigates or participates in pressure tactics contrary to section 53 is guilty of an offence and liable to the following fines for each day the tactics continue:

(1) \$75 to \$225 in the case of a resource or a person who assists or replaces a resource;

(2) \$800 to \$10,400 in the case of an officer, employee, director, agent or advisor of a resource association or a group of such associations; and

(3) \$7,000 to \$126,000 in the case of a resource association or a group of such associations.

2009, c. 24, s. 70.

71. If a resource association or a group of such associations contravenes any of sections 65, 66 and 68 to 70, the officer or representative of the association or group who authorized, permitted or consented to the commission of the offence is a party to the offence and liable to the fines provided for in those sections. In the case of a second or subsequent conviction, the fines are doubled.

2009, c. 24, s. 71.

CHAPTER V

AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

72. (*Amendment integrated into c. A-3.001, s. 2.*)

2009, c. 24, s. 72.

73. (*Amendment integrated into c. A-3.001, s. 18.*)

2009, c. 24, s. 73.

ACT RESPECTING PARENTAL INSURANCE

74. (*Amendment integrated into c. A-29.011, s. 3.*)

2009, c. 24, s. 74.

75. *(Amendment integrated into c. A-29.011, s. 6).*

2009, c. 24, s. 75.

76. *(Amendment integrated into c. A-29.011, s. 20).*

2009, c. 24, s. 76.

77. *(Amendment integrated into c. A-29.011, s. 21).*

2009, c. 24, s. 77.

78. *(Amendment integrated into c. A-29.011, s. 22).*

2009, c. 24, s. 78.

79. *(Amendment integrated into c. A-29.011, s. 37).*

2009, c. 24, s. 79.

80. *(Amendment integrated into c. A-29.011, s. 43).*

2009, c. 24, s. 80.

81. *(Amendment integrated into c. A-29.011, s. 49).*

2009, c. 24, s. 81.

82. *(Amendment integrated into c. A-29.011, s. 53).*

2009, c. 24, s. 82.

83. *(Amendment integrated into c. A-29.011, s. 54).*

2009, c. 24, s. 83.

84. *(Amendment integrated into c. A-29.011, s. 55).*

2009, c. 24, s. 84.

85. *(Amendment integrated into c. A-29.011, s. 56).*

2009, c. 24, s. 85.

86. *(Amendment integrated into c. A-29.011, s. 66).*

2009, c. 24, s. 86.

87. *(Amendment integrated into c. A-29.011, s. 67).*

2009, c. 24, s. 87.

88. *(Amendment integrated into c. A-29.011, s. 94).*

2009, c. 24, s. 88.

LABOUR CODE

89. *(Amendment integrated into c. C-27, Schedule I).*

2009, c. 24, s. 89.

TAXATION ACT

90. *(Amendment integrated into c. I-3, s. 1).*

2009, c. 24, s. 90.

91. *(Amendment integrated into c. I-3, s. 489).*

2009, c. 24, s. 91.

ACT RESPECTING ADMINISTRATIVE JUSTICE

92. *(Amendment integrated into c. J-3, s. 25).*

2009, c. 24, s. 92.

93. *(Amendment integrated into c. J-3, Schedule I).*

2009, c. 24, s. 93.

TAX ADMINISTRATION ACT

94. *(Amendment integrated into c. A-6.002, s. 93.1.1).*

2009, c. 24, s. 94.

95. *(Amendment integrated into c. A-6.002, s. 93.2).*

2009, c. 24, s. 95.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

96. *(Amendment integrated into c. R-5, s. 37.9).*

2009, c. 24, s. 96.

ACT RESPECTING THE QUÉBEC PENSION PLAN

97. *(Amendment integrated into c. R-9, s. 1).*

2009, c. 24, s. 97.

98. *(Amendment integrated into c. R-9, s. 3).*

2009, c. 24, s. 98.

99. *(Amendment integrated into c. R-9, s. 8.1).*

2009, c. 24, s. 99.

100. *(Amendment integrated into c. R-9, s. 47).*

2009, c. 24, s. 100.

101. *(Amendment integrated into c. R-9, s. 47.1).*

2009, c. 24, s. 101.

102. *(Amendment integrated into c. R-9, s. 48.1).*

2009, c. 24, s. 102.

103. *(Amendment integrated into c. R-9, s. 51).*

2009, c. 24, s. 103.

104. *(Amendment integrated into c. R-9, s. 53).*

2009, c. 24, s. 104.

105. *(Amendment integrated into c. R-9, s. 74).*

2009, c. 24, s. 105.

106. *(Amendment integrated into c. R-9, s. 76).*

2009, c. 24, s. 106.

107. *(Amendment integrated into c. R-9, s. 77).*

2009, c. 24, s. 107.

108. *(Amendment integrated into c. R-9, s. 98).*

2009, c. 24, s. 108.

109. *(Amendment integrated into c. R-9, s. 184).*

2009, c. 24, s. 109.

110. *(Amendment integrated into c. R-9, s. 200).*

2009, c. 24, s. 110.

111. *(Amendment integrated into c. R-9, s. 203).*

2009, c. 24, s. 111.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

112. *(Amendment integrated into c. S-4.2, s. 302).*

2009, c. 24, s. 112.

113. *(Omitted).*

2009, c. 24, s. 113.

114. *(Amendment integrated into c. S-4.2, s. 303).*

2009, c. 24, s. 114.

115. *(Amendment integrated into c. S-4.2, ss. 303.1-303.2).*

2009, c. 24, s. 115.

116. *(Amendment integrated into c. S-4.2, s. 304).*

2009, c. 24, s. 116.

117. *(Amendment integrated into c. S-4.2, ss. 305.1-305.3).*

2009, c. 24, s. 117.

118. *(Amendment integrated into c. S-4.2, s. 306).*

2009, c. 24, s. 118.

119. *(Amendment integrated into c. S-4.2, s. 307).*

2009, c. 24, s. 119.

120. *(Amendment integrated into c. S-4.2, s. 312).*

2009, c. 24, s. 120.

121. *(Amendment integrated into c. S-4.2, s. 314).*

2009, c. 24, s. 121.

122. *(Omitted).*

2009, c. 24, s. 122.

CHAPTER VI

TRANSITIONAL PROVISIONS

123. An existing contract between a public institution and a resource to whom this Act applies remains in force until the coming into force of an agreement signed under section 32, and ceases to have effect on that date, except for elements it comprises which the parties may include in a specific agreement referred to in section 55.

To that end, all rules, compensation rates or scales, agreements determining the general conditions, terms and conditions under which activities are carried out and services are delivered by the resources, as well as all other elements determined under the legislative provisions introduced in the Act respecting health services and social services (chapter S-4.2) by the Act to amend the Act respecting health services and social services (2003, chapter 12) are applicable until the date mentioned in the first paragraph.

This section applies, with the necessary modifications, to the resources to whom this Act applies but who are not represented by a recognized association, until the elements mentioned in section 64 come into force.

2009, c. 24, s. 123.

124. An existing contract between a public institution and an intermediate resource to whom this Act does not apply remains in force until the coming into force of an agreement signed under section 303.1 of the Act

respecting health services and social services, as replaced by section 115, and ceases to have effect on that date.

To that end, the second paragraph of section 123 also applies until that date.

2009, c. 24, s. 124.

125. Subject to sections 126 and 127, any certification granted to an association representing resources under the Labour Code (chapter C-27), any pending petition for certification and any resulting recourses brought by such an association or by a resource before the Commission des relations du travail are without effect.

2009, c. 24, s. 125.

126. A certification granted under the Labour Code (chapter C-27) before 18 December 2003 with respect to resources to whom this Act applies is deemed to be a recognition granted under this Act. The Commission des relations du travail grants such recognition and amends the description of the bargaining unit to adapt it to the representation groups provided for in this Act. The Commission only includes resources to whom this Act applies in each representation group. If the certified institution has since been amalgamated or divided, or if its legal structure has otherwise been modified, the Commission applies section 45 and, with the necessary modifications, section 46 of the Labour Code.

2009, c. 24, s. 126.

127. A petition for certification filed with the Commission des relations du travail before 12 June 2009 with respect to resources to whom this Act applies is dealt with by the Commission in accordance with the Labour Code (chapter C-27). For that sole purpose, the resources are considered employees within the meaning of the Labour Code. The Commission grants such recognition and amends the description of the bargaining unit referred to in the petition to adapt it to the representation groups provided for in this Act. The Commission only includes resources to whom this Act applies in each representation group.

2009, c. 24, s. 127.

128. Until the premium rate set by regulation of the Conseil de gestion de l'assurance parentale under subparagraph 3 of the first paragraph of section 6 of the Act respecting parental insurance (chapter A-29.011), as amended by paragraph 1 of section 75, becomes applicable to family-type resources and intermediate resources, the premium rate that applies to those resources for the purpose of calculating the premium payable under section 66 of that Act is the rate set by regulation of the Conseil de gestion de l'assurance parentale that applies to self-employed workers.

2009, c. 24, s. 128.

129. The Government may, by regulation made before 12 June 2010, enact any other transitional provision or measure for the carrying out of this Act.

Such a regulation is not subject to the publication requirement of section 8 of the Regulations Act (chapter R-18.1) or to the requirement of section 17 of that Act as regards its date of coming into force.

However, if the regulation so provides, it may apply from a date not prior to 12 June 2009.

2009, c. 24, s. 129.

130. A regulation made before 12 June 2010 for the purposes of section 58 of this Act may have a shorter publication period than required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days.

Such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

2009, c. 24, s. 130.

CHAPTER VII

FINAL PROVISIONS

131. The Act respecting labour standards (chapter N-1.1) and the Act respecting occupational health and safety (chapter S-2.1) do not apply to the resources to whom this Act applies.

However, sections 40 to 48 of the Act respecting occupational health and safety apply until the first regulation under section 58 comes into force.

2009, c. 24, s. 131.

132. The Commission des normes, de l'équité, de la santé et de la sécurité du travail may not receive a complaint filed under the Pay Equity Act (chapter E-12.001) by a resource to whom this Act applies.

2009, c. 24, s. 132; 2015, c. 15, s. 206.

133. The Minister of Health and Social Services is responsible for the administration of this Act.

2009, c. 24, s. 133.

134. Sections 131 and 132 have effect from 13 May 2009.

2009, c. 24, s. 134.

135. (*Omitted*).

2009, c. 24, s. 135.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 24 of the statutes of 2009, in force on 1 August 2009, is repealed, except sections 122 and 135, effective from the coming into force of chapter R-24.0.2 of the Revised Statutes.

