



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 596

An Act to establish Pharma-Québec

Introduction

**Introduced by
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Member for Jean-Lesage**

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EXPLANATORY NOTES

This bill establishes Pharma-Québec, a corporation that is a mandatory of the State and whose mission is to reduce the procurement costs of medications, vaccines and medical supplies and ensure their availability to enable Québec to achieve self-sufficiency.

The corporation is given the power to provide medication, vaccine and medical supplies procurement services to health and social services institutions and pharmacies.

The corporation may establish and operate factories or other facilities, under public control, for manufacturing generic medications, vaccines and medical supplies. The corporation must invest at least five percent of its budget in research and development devoted to medications, vaccines and medical supplies.

In addition, the bill contains amending and transitional provisions, in particular as concerns the transfer of the medication and medical supplies procurement services of the Centre d'acquisitions gouvernementales to the corporation.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (chapter A-6.001);
- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01);
- Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1);
- Act respecting the Institut national d'excellence en santé et en services sociaux (chapter I-13.03);
- Public Protector Act (chapter P-32);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act mainly to establish the Centre d’acquisitions gouvernementales and Infrastructures technologiques Québec (2020, chapter 2).

Bill 596

AN ACT TO ESTABLISH PHARMA-QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

1. A corporation (in this Act referred to as “the corporation”) is established under the name “Pharma-Québec”.

The corporation is a legal person, a mandatary of the State whose mission and powers are provided for by this Act.

Its property forms part of the domain of the State, but the execution of its own obligations may be levied against its property.

It binds none but itself when it acts in its own name.

2. The corporation has its head office at the place determined by the Government; a notice of the address or change of address of the head office is published in the *Gazette officielle du Québec*.

CHAPTER II

MISSION AND POWERS

3. The corporation’s mission is to reduce the procurement costs of medications, vaccines and medical supplies and ensure their availability to enable Québec to achieve self-sufficiency.

For the purposes of this Act, “medical supplies” means any consumables, supplies, devices or equipment that may be used to diagnose, treat, mitigate or prevent a disease, symptom or abnormal physical state.

4. The corporation has the power to do all that is necessary to carry out its mission, including

(1) providing medication, vaccine and medical supplies procurement services to health and social services institutions and pharmacies;

(2) determining the reimbursement schedule for patented products after establishing the amount reimbursable for each therapeutic class, based on the price of the medication offering the best cost–therapeutic benefit ratio, according to the assessment conducted by the Institut national d'excellence en santé et en services sociaux within the scope of its mission;

(3) with the Government's authorization, establishing and operating factories or other facilities, under public control, for manufacturing generic medications, vaccines and medical supplies;

(4) investing at least five percent of its budget in research and development devoted to new medications, vaccines and medical supplies; and

(5) controlling the quality and safety of medications, vaccines and medical supplies in accordance with the recommendations of the Institut national d'excellence en santé et en services sociaux.

5. The corporation may enter into an agreement with any person for the carrying out of its mission.

The corporation may, in particular, enter into agreements with volunteer and community groups as well as private enterprises to ensure their active participation at all levels of decision-making and of the planning, management and evaluation of the services it provides.

6. The Minister and the corporation may enter into an agreement under which they undertake to carry out, on each other's behalf, specific operations related to the corporation's mission or the Minister's functions.

The agreement also defines the duties, powers and responsibilities of the partners in the medication and medical supplies field, in particular the Régie de l'assurance maladie du Québec, the Institut national d'excellence en santé et en services sociaux, the Minister and the institutions established under section 79 of the Act respecting health services and social services (chapter S-4.2) and section 64 of the Act respecting health services and social services for Cree Native persons (chapter S-5), and of the corporation.

The agreement must be approved by order of the Government.

7. Subject to the applicable legislative provisions, the corporation may enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or such an organization.

8. With the Government's authorization, the corporation may acquire or establish any subsidiary that may be useful in the pursuit of its mission.

A legal person all of whose voting shares are held directly or indirectly by the corporation is a subsidiary of the corporation. The subsidiary is a mandatary of the State and the third and fourth paragraphs of section 1 apply to it.

The Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies to any subsidiary of the corporation.

CHAPTER III

ORGANIZATION AND OPERATION

9. The corporation is administered by a board of directors consisting of 13 members, namely, the president and chief executive officer of the corporation and 12 members appointed by the Government as follows:

- (1) four representatives from the scientific and professional fields;
- (2) four representatives of the social and community sectors, including at least one person representing users of the health network and one person from the consumer rights sector;
- (3) one representative of the Régie de l'assurance maladie du Québec;
- (4) one representative of the Institut national de santé publique du Québec;
- (5) one representative of the Institut national d'excellence en santé et en services sociaux; and
- (6) one representative of the Minister of Health and Social Services.

10. Except for the president and chief executive officer, board members are appointed for a term of up to four years.

On the expiry of their term, board members remain in office until replaced or reappointed.

11. The chair and the vice-chair of the board of directors are appointed by the Government from among the board members.

12. The offices of chair of the board of directors and president and chief executive officer may not be held concurrently.

13. The president and chief executive officer is appointed by the Government for a term of up to five years and is responsible for the administration and management of the corporation in keeping with its regulations, by-laws and policies. The office of president and chief executive officer is a full-time position.

If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the corporation's personnel to exercise the functions of that position.

14. The chair calls and presides at meetings of the board of directors, sees to the proper functioning of the board and exercises any other functions assigned by the board.

The vice-chair exercises the functions of the chair when the latter is absent or unable to act.

15. A vacancy on the board of directors, other than in the position of chair or president and chief executive officer, is filled by the Government for the unexpired portion of the term of the member to be replaced.

16. The remuneration, employee benefits and other conditions of employment of the president and chief executive officer are determined by the Government.

The other board members receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions in the cases, on the conditions and to the extent determined by the Government.

17. The quorum at meetings of the board of directors is the majority of its members.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person presiding over the meeting has a casting vote.

18. A deed, document or writing is binding on and may be attributed to the corporation only if it is signed by the chair, the president and chief executive officer, the vice-chair, the secretary or a member of the corporation's personnel but, in the latter case, only to the extent determined by by-law of the corporation.

19. The corporation may, by by-law, determine the mode of operation of the board of directors, form an executive committee, a scientific committee or any other committee, and delegate to it the exercise of powers conferred on the board.

20. The corporation adopts standards of ethics and professional conduct for its personnel. The standards must contain provisions that include, as a minimum, the requirements for public servants under the Public Service Act (chapter F-3.1.1). The standards are published by the corporation in its activity report.

21. The members of the corporation's personnel are appointed in accordance with the staffing plan established by by-law of the corporation.

Subject to the provisions of a collective agreement, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of the personnel are determined by by-law of the corporation in accordance with the conditions defined by the Government.

22. The Minister may issue directives concerning the policies and general objectives to be pursued by the corporation.

Directives are submitted to the Government for approval and come into force on the day they are approved. Once approved, they are binding on the corporation, which must comply with them.

Directives are tabled in the National Assembly within 15 days of their approval by the Government or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER IV

FINANCIAL PROVISIONS

23. The corporation determines by regulation the tariff of fees as well as the other forms of remuneration payable for the services it provides. The tariff and other forms of remuneration may vary according to the goods or services provided or the clientele served.

24. The corporation and each of its subsidiaries may not, without the Government's authorization,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or contrary to the conditions determined by the Government;

(3) acquire or hold shares or an interest in a legal person or a partnership in excess of the limits or contrary to the conditions determined by the Government;

(4) dispose of shares or an interest in a legal person or a partnership in excess of the limits or contrary to the conditions determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the conditions determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

The Government may determine that a provision of the first paragraph applies to all the corporation's subsidiaries or to only one of them.

The first paragraph does not apply to the transactions between the corporation and its subsidiaries or between the subsidiaries.

25. The Government may, on the conditions and in the manner it determines,

(1) guarantee payment of the principal and interest on any loan contracted by the corporation or any of its subsidiaries and guarantee its obligations; and

(2) authorize the Minister of Finance to advance to the corporation or any of its subsidiaries any amount considered necessary to meet its obligations or pursue its mission.

26. The corporation finances its activities out of the amounts it receives and the appropriations it is granted annually for that purpose by Parliament. Any surplus amount is retained by the corporation for allocation to the research and development budget of the following year, unless the Government decides otherwise.

27. Each year, the corporation submits its budget estimates for the following fiscal year to the Minister for approval, in accordance with the form, content and schedule that the Minister determines.

CHAPTER V

ACCOUNTS AND REPORTS

28. The fiscal year of the corporation ends on 31 March.

29. Not later than 31 July each year, the corporation must file its financial statements and activity report for the preceding fiscal year with the Minister.

The financial statements and activity report must include all the information required by the Minister.

30. The Minister tables the corporation's financial statements and activity report in the National Assembly within 30 days of their receipt or, if the Assembly is not sitting, within 30 days of resumption.

31. The Auditor General audits the corporation's books and accounts each year and whenever so ordered by the Government.

The Auditor General's report must be submitted with the activity report and the financial statements of the corporation and of its subsidiaries.

32. The corporation sends the Minister any information or any other report the Minister requires on the corporation's activities or those of its subsidiaries.

CHAPTER VI

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

33. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting the following in alphabetical order:

“Pharma-Québec”.

HEALTH INSURANCE ACT

34. Section 69 of the Health Insurance Act (chapter A-29) is amended by striking out “by the Minister” in subparagraph *e.2* of the first paragraph.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

35. Section 8 of the Act respecting prescription drug insurance (chapter A-29.01) is amended

(1) by striking out “by the Minister” after “the list of medications drawn up” in the first paragraph;

(2) by replacing “determined in the regulation of the Minister” in the first paragraph by “determined by regulation”;

(3) by striking out “by the Minister” in the fourth paragraph.

36. Section 22 of the Act is amended by striking out both occurrences of “by the Minister”.

37. Section 57 of the Act is amended by replacing “to the Minister” by “to Pharma-Québec”.

38. Section 60 of the Act is amended

(1) by replacing both occurrences of “il” in the second paragraph in the French text by “elle”;

(2) by inserting “or if the medication is manufactured by Pharma-Québec” at the end of the second paragraph;

(3) by replacing all occurrences of “The Minister” and “the Minister” by “Pharma-Québec”.

39. Sections 60.0.0.1, 60.0.0.2, 60.0.1, 60.0.2 and 60.0.4 of the Act are amended by replacing all occurrences of “The Minister” and “the Minister” by “Pharma-Québec”.

- 40.** Section 60.0.5 of the Act is amended, in the first paragraph,
- (1) by replacing “If the Minister” by “If Pharma-Québec”;
 - (2) by replacing “shortage, the Minister” by “shortage, Pharma-Québec”;
 - (3) by replacing “The Minister” by “Pharma-Québec”.
- 41.** Section 60.0.6 of the Act is amended
- (1) by replacing “the Minister’s” by “Pharma-Québec’s”;
 - (2) by replacing “The Minister” by “Pharma-Québec”.
- 42.** Section 60.1 of the Act is amended by inserting “after consulting with Pharma-Québec” after “use of an alternative”.
- 43.** Section 60.2 of the Act is amended by inserting “, after consulting with Pharma-Québec,” after “it shall”.
- 44.** Section 62 of the Act is amended
- (1) by replacing “The Minister” by “Pharma-Québec”;
 - (2) by replacing “he determines” by “it determines”.
- 45.** Section 62.1 of the Act is amended
- (1) by replacing both occurrences of “to the Minister” in the second paragraph by “to Pharma-Québec”;
 - (2) by replacing “The Minister” in the third paragraph by “Pharma-Québec”;
 - (3) by replacing “if the Minister” in the fourth paragraph by “if Pharma-Québec”;
 - (4) by replacing “the Minister may” in the fourth paragraph by “Pharma-Québec may”.
- 46.** Section 63 of the Act is amended, in the first paragraph,
- (1) by replacing “The Minister” by “Pharma-Québec”;
 - (2) by striking out “ministerial”.
- 47.** Section 64 of the Act is amended by replacing both occurrences of “ministerial regulation” by “regulation of Pharma-Québec”.

48. Section 65 of the Act is amended

- (1) by replacing “The Minister” by “Pharma-Québec”;
- (2) by replacing “ministerial regulation” by “regulation of Pharma-Québec”.

49. Section 66 of the Act is amended by replacing all occurrences of “ministerial regulation” by “regulation of Pharma-Québec”.

50. Section 67 of the Act is amended by replacing “The Minister” in the first paragraph by “Pharma-Québec”.

51. Section 69 of the Act is amended by replacing “the Minister” by “Pharma-Québec”.

52. Section 70 of the Act is amended by replacing “the Minister” by “Pharma-Québec”.

53. Section 70.0.1 of the Act is amended, in the first paragraph,

- (1) by replacing “The Minister” by “Pharma-Québec”;
- (2) by replacing “ministerial regulation” by “regulation of Pharma-Québec”.

54. Section 78 of the Act is amended, in the first paragraph,

- (1) by striking out “by the Minister” in subparagraph 1.2;
- (2) by striking out “by the Minister” in subparagraph 2.0.1.

ACT RESPECTING HÉMA-QUÉBEC AND THE BIOVIGILANCE COMMITTEE

55. Section 3 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1) is amended by replacing “the Centre d’acquisitions gouvernementales” in subparagraph 8 of the second paragraph by “Pharma-Québec”.

56. Section 38 of the Act is amended by replacing the first paragraph by the following paragraph:

“Héma-Québec must reach an agreement with Pharma-Québec concerning the conditions governing the supply of its products to health and social services institutions in Québec.”

ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN
SANTÉ ET EN SERVICES SOCIAUX

57. Section 5 of the Act respecting the Institut national d'excellence en santé et en services sociaux (chapter I-13.03) is amended by replacing "the Minister" in paragraph 8 by "Pharma-Québec".

PUBLIC PROTECTOR ACT

58. Section 15 of the Public Protector Act (chapter P-32) is amended by adding the following paragraph at the end:

"(11) Pharma-Québec."

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE
COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC
SECTORS

59. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting the following in alphabetical order:

"—Pharma-Québec".

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES
RETIREMENT PLAN

60. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting the following in alphabetical order in paragraph 1:

"Pharma-Québec".

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT
PERSONNEL

61. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting the following in alphabetical order in paragraph 1:

"Pharma-Québec".

ACT MAINLY TO ESTABLISH THE CENTRE D'ACQUISITIONS
GOUVERNEMENTALES AND INFRASTRUCTURES
TECHNOLOGIQUES QUÉBEC

62. Section 4 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act mainly to establish the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec (2020, chapter 2), is amended by adding the following paragraph at the end:

“This Act does not apply to medication, vaccine and medical equipment procurement.”

63. Sections 50 to 52 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act, are repealed.

64. Section 55 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act, is amended by replacing the first two paragraphs by the following paragraph:

“Employees of Collecto Services regroupés en éducation, employees seconded to Collecto Services regroupés en éducation, provided their home organization is an education network body, and employees of SigmaSanté who are assigned to functions related to those entrusted to the Centre by this Act and are identified by the Chair of the Conseil du trésor not later than (*insert the date preceding the date of introduction of this bill*), become without further formality employees of the Centre.”

65. Section 56 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act, is amended by striking out “, Groupe d'approvisionnement en commun de l'Est du Québec, Groupe d'approvisionnement en commun de l'Ouest du Québec”.

66. Sections 57 and 58 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act, are amended by striking out “, Groupe d'approvisionnement en commun de l'Est du Québec, Groupe d'approvisionnement en commun de l'Ouest du Québec”.

67. Section 59 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act, is amended by striking out “Groupe d'approvisionnement en commun de l'Est du Québec, Groupe d'approvisionnement en commun de l'Ouest du Québec and” in the second paragraph.

68. Section 60 of the Act respecting the Centre d'acquisitions gouvernementales, enacted by section 1 of the Act, is amended by striking out “, as applicable, Groupe d'approvisionnement en commun de l'Est du Québec, Groupe d'approvisionnement en commun de l'Ouest du Québec or”.

69. Section 61 of the Act respecting the Centre d’acquisitions gouvernementales, enacted by section 1 of the Act, is amended by striking out “, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec”.

70. Section 62 of the Act respecting the Centre d’acquisitions gouvernementales, enacted by section 1 of the Act, is amended by striking out “Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec or” in the first paragraph.

71. Section 43 of the Act is repealed.

72. Section 103 of the Act is amended by striking out “, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec” in the first paragraph.

CHAPTER VII

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

DIVISION I

RIGHTS AND OBLIGATIONS

73. The corporation replaces the following joint procurement groups recognized by the Minister of Health and Social Services in accordance with section 435.2 of the Act respecting health services and social services (chapter S-4.2):

(1) Groupe d’approvisionnement en commun de l’Est du Québec, constituted by letters patent of amalgamation deposited in the enterprise register on 3 April 2012 under business number 1168143635; and

(2) Groupe d’approvisionnement en commun de l’Ouest du Québec, constituted by letters patent of amalgamation deposited in the enterprise register on 30 June 2014 under business number 1170179726.

The corporation acquires the rights and assumes the obligations of the above groups.

74. The corporation succeeds to the rights and obligations of the joint procurement group SigmaSanté, recognized by the Minister of Health and Social Services in accordance with section 435.2 of the Act respecting health services and social services and constituted by letters patent deposited in the enterprise register on 26 May 1994 under business number 1140477762, for the continuance of its goods and services procurement contracts identified by the Minister. The corporation also acquires the assets and liabilities of SigmaSanté that are related to goods and services procurement and identified by the Minister; the Government determines the value and conditions relating to the transfer.

75. The joint procurement groups referred to in section 73 are dissolved. The Minister sends a notice to that effect to the enterprise registrar, who deposits it in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1). Any remaining assets devolve to the Minister, except those identified by the Minister.

DIVISION II

DOCUMENTS AND MISCELLANEOUS MEASURES

76. Records, archives and other documents of the Ministère de la Santé et des Services sociaux, the Régie de l'assurance maladie du Québec, the joint procurement groups referred to in section 73 and SigmaSanté that are related to the functions entrusted to the corporation by this Act become the latter's records, archives and documents.

77. The corporation becomes, without continuance of suit, a party to all proceedings to which the joint procurement groups referred to in section 73 or SigmaSanté were a party, with respect to the functions entrusted to the corporation by this Act.

78. Until (*insert the date that is 12 months after the date of assent to this Act*), the corporation provides, without interruption, the goods and services that, on (*insert the date preceding the date of coming into force of this Act*), were provided by the joint procurement groups referred to in section 73 or SigmaSanté, as applicable, but only if the goods and services to be obtained are related to the functions entrusted to the corporation by this Act.

79. Tariffs and other forms of remuneration applicable to public bodies for goods and services provided by the joint procurement groups referred to in section 73 or SigmaSanté and in force on (*insert the date preceding the date of coming into force of this Act*) continue to apply regarding the corporation until the date of coming into force of the first regulation made by the corporation in accordance with section 23.

80. Persons and bodies other than the public bodies that, on (*insert the date preceding the date of coming into force of this Act*), were served by, as applicable, the joint procurement groups referred to in section 73 or SigmaSanté regarding goods and services procurement continue to be served in the same manner by the corporation until (*insert the date that is 12 months after the date of assent to this Act*), with no obligation on the part of such persons and bodies to use the corporation's services.

81. Calls for tenders published on (*insert the date preceding the date of coming into force of this Act*) in the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1), under the responsibility of the joint procurement groups referred to in section 73 and SigmaSanté, related to the functions entrusted to the corporation by this Act and possibly involving persons or bodies referred to in section 80, are continued under the corporation's responsibility, without interruption.

82. Despite any incompatible provision, an amendment to the constituting act of a joint procurement group referred to in section 73 or SigmaSanté after (*insert the date preceding the date of introduction of this bill*) is without effect.

Despite the first paragraph, an amendment must be made to the constituting act of SigmaSanté after that date in order to give full effect to the application of this Act.

DIVISION III

HUMAN RESOURCES

83. Employees of the Ministère de la Santé et des Services sociaux, of the Régie de l'assurance maladie du Québec and of the joint procurement groups referred to in section 73 who are assigned to medication, vaccine and medical equipment procurement, in office on (*insert the date of coming into force of this Act*), become, subject to the conditions of employment applicable to them, employees of the corporation to the extent that a decision of the Conseil du trésor providing for their transfer is made before (*insert the date that is 12 months after the date of coming into force of this Act*).

84. The employees of the corporation continue, if applicable, to be represented by the certified associations representing them at the time of their transfer and the collective agreements in force at that time continue to apply.

85. An employee described in section 83 occupies the position and exercises the functions assigned by the corporation, subject to the conditions of employment applicable to the employee.

86. An employee of the corporation described in section 83 who, when appointed to the corporation, was a public servant with permanent tenure, may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (chapter F-3.1.1).

87. Section 35 of the Public Service Act applies to an employee referred to in section 86 who enters a competition for promotion to a position in the public service.

88. An employee referred to in section 86 who applies for a transfer or enters a competition for promotion may request from the Chair of the Conseil du trésor an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification that the employee had in the public service on the date on which the employee ceased to be a public servant, as well as the experience and formal training acquired in the course of employment with the corporation.

If an employee is transferred pursuant to the application of section 86, the deputy minister or the chief executive officer of the body assigns to the employee a classification in keeping with the assessment under the first paragraph.

If an employee is promoted under section 86, the employee's classification must take account of the criteria set out in the first paragraph.

89. If some or all of the operations of the corporation are discontinued or if there is a shortage of work, an employee referred to in section 86 is entitled to be placed on reserve in the public service with the classification the employee had prior to the date on which the employee ceased to be a public servant.

In such a case, the Chair of the Conseil du trésor determines, if applicable, the employee's classification on the basis of the criteria set out in the first paragraph of section 88.

90. A person who, in accordance with the applicable conditions of employment, refuses to be transferred to the corporation is assigned to the corporation until the Chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person placed on reserve under section 89, which person remains in the employ of the corporation in the meantime.

91. Subject to remedies available under a collective agreement, an employee described in section 83 whose employment is terminated or who is dismissed may bring an appeal under section 33 of the Public Service Act.

92. The Minister must, before 31 March 2021, table a budget in the National Assembly for the fiscal year 2021–2022, in accordance with section 27 of this Act.

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

94. The provisions of this Act come into force on the date or dates to be set by the Government.

