

Bill 60

**An Act to amend the Public Service Act  
and other provisions**

Section 1

**AMENDMENT:**

Replace by:

1. Section 13 of the Public Service Act (chapter F-3.1.1) is amended by adding the following paragraph at the end:

“The probationary period is calculated in days actually worked as part of the powers and duties assigned to the recruited person for the period. The calculation is based on the particularities of each position.”

*Adopté  
SPR*

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Section 2

**AMENDMENT:**

Replace “has successfully completed” in subparagraph 1 of the first paragraph proposed by paragraph 1 by “has passed”.

*Adopted*

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Section 3

**AMENDMENT:**

Replace by:

3. Section 15 of the Act is amended by adding the following paragraph at the end:

“The probationary period is calculated in days actually worked as part of the powers and duties assigned to the promoted person for the period. The calculation is based on the particularities of each position.”

*Adopted*  
*Se*

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Section 12

**AMENDMENT:**

Replace proposed section 43 by:

“43. Each deputy minister and chief executive officer shall establish and implement selection processes for recruiting and promoting public servants within his government department or body. However, in cases determined by the Conseil du trésor, the deputy minister or the chief executive officer must obtain permission from the Chair of the Conseil du trésor before initiating a selection process.

The Conseil du trésor may determine that, under certain circumstances, the Chair of the Conseil du trésor must establish and implement such selection processes for several government departments and bodies, while allowing the departments and bodies to select a candidate from among the candidates who participated in the process.

Without limiting the powers conferred on the Commission de la fonction publique under section 115, the Chair of the Conseil du trésor may conduct an audit to verify whether the deputy ministers and chief executive officers establish and implement the selection processes in compliance with this Act. For that purpose, the Chair of the Conseil du trésor may designate a person in writing to conduct the audit.

*Adopté  
SP2*

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Section 12

**AMENDMENT:**

In proposed section 44:

1. Replace the last sentence of the first paragraph by the following sentences:  
“The employment offer must be published for at least ten working days on the public service portal provided for that purpose and accessible via Internet. The Conseil du trésor may determine the classes of positions for which an employment offer may be published for a shorter period of at least five working days, when labour market conditions and labour availability require it.”

2. Replace the second and third paragraphs by:

An employment offer must include the profile sought for the position to be filled, the location where the position will be held, the salary scale, the length of the publication period, the deadline for applying and any other element determined by the Conseil du trésor.

*Adopté  
SP*

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Section 12

**AMENDMENT:**

Add the following sentence at the end of proposed section 45: "The profile must ensure the best fit with the position to be filled."

*Adopté  
SPU*

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Section 12

**AMENDMENT:**

Amendment withdrawn. As a result, it is now marked AM d.

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Section 12

**AMENDMENT:**

In proposed section 46:

1. Replace “members of visible and ethnic minorities” in subparagraph 1 of the first paragraph by “members of visible minorities, members of ethnic minorities”.
2. Replace the third paragraph by:

The profile of the person sought for a position to be filled through promotion may, exceptionally, require that only public servants belonging to a specific entity or geographical area may apply for the position to be filled. The Conseil du trésor shall define what constitutes an entity and a geographical area and determine the factors that a deputy minister or a chief executive officer must consider before adding such a requirement.

Adopté  
SP ✓

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Section 12

**AMENDMENT:**

Insert after proposed section 48:

**“48.1.** An administrative unit entrusted with human resources management shall preselect applications from among those submitted in accordance with section 47. The applications are submitted to the deputy minister or the chief executive officer.

In order to be preselected, an application must comply with the profile included in the employment offer and, if the administrative unit considers it advisable, the candidate must have been evaluated with one or more evaluation tools from among those included in the categories provided for in section 49.1.

In the absence of such a unit or if a position is to be filled within the unit, the deputy minister or the chief executive office shall mandate another unit to assume the responsibilities provided for in the first paragraph.

*Adopté  
SP*

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Section 12

**AMENDMENT:**

Replace the first two proposed paragraphs by:

A deputy minister or a chief executive officer shall, on the basis of recognized good practices in the matter, select from among the applications submitted to him the candidate whose profile best fits the profile sought for the position to be filled. The selection of the candidate must be based on merit and independently of any political influence.

Adopté  
SP

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Section 12

**AMENDMENT:**

Insert after proposed section 49:

**“49.1.** The selected candidate must have been evaluated with at least two evaluation tools included in the categories established by the Conseil du trésor, such as a work sample, an aptitude test, an achievement test, a cognitive ability test, a psychometric test, an oral examination or any other tool based on e recognized good practices in the matter.

The Conseil du trésor may, however, determine the classes of positions for which only one evaluation tool is sufficient and determine any other terms or conditions related to the evaluation of a candidate, such as the mandatory use of specific evaluation tools for certain classes of positions.

*Adopté  
SP*

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Section 12

**AMENDMENT:**

Insert after proposed section 49.1:

**“49.2.** Before a selected candidate is appointed by the deputy minister or the chief executive officer in accordance with section 51, the director of the administrative unit referred to in section 48.1 must confirm in writing to the deputy minister or the chief executive officer that the selection process has been conducted in accordance with the law.

Adopté  
SP

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Section 12

**AMENDMENT:**

Replace the first paragraph of proposed section 50 by:

The result of an examination administered during any selection process provided for in the Act or during a qualification assessment is deemed to be the result obtained during an identical or equivalent examination administered previously during any of those situations if the time period between the administration of those examinations does not exceed one year.

*Apple SP*

AM 14  
s. 12 (50.2)

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Section 12

**AMENDMENT:**

Withdraw proposed section 50.2.

*Adopte  
SP*

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Section 12

**AMENDMENT:**

Replace proposed section 50.3 by:

**“50.3.** A deputy minister or a chief executive officer may select a person who holds or has already held a position in the public service otherwise than in accordance with the rules under this subdivision in any of the following situations:

- (1) the position of a public servant is upgraded;
- (2) a public servant has participated in a human resources development program approved by the Conseil du trésor;
- (3) a person has been employed as a student or intern;
- (4) a person has retired from the public service;
- (5) to recruit a casual employee as a regular employee; or
- (6) any other situation determined by the Conseil du trésor.

The Conseil du trésor shall determine the rules pursuant to which such a selection is to be made to ensure that the person fits the profile required to fill the position.

Adopté  
SP

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Section 12

**AMENDMENT:**

Replace proposed section 50.4 by:

“**50.4.** When a position needs to be filled again within a time period determined by the Conseil du trésor that does not exceed six months, the deputy minister or the chief executive officer may fill the position again without repeating the selection process by selecting a candidate from among those who were previously evaluated.

A deputy minister or a chief executive officer may do the same when a position similar to a position that has been filled is to be filled in the same government department or body within a time period determined by the Conseil du trésor that does not exceed six months.

The Conseil du trésor may determine the other terms and conditions related to the selection provided for in the first and second paragraphs, such as the definition of a similar position.”

Adopté  
SP

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Section 16

**AMENDMENT:**

Insert "by regulation" after "determine" in proposed section 54.1.

*Adopte  
SA*

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Section 19

**AMENDMENT:**

Replace paragraph 2 by:

(2) by replacing “five-year human resources management strategy” and “every two and a half years” in paragraph 7.1 by “multi-year human resources management strategy of not over five years” and “at mid-term and at the end of the term”, respectively.

*Adopté  
SPU*

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Section 21

**AMENDMENT:**

Replace the last sentence of the third paragraph, proposed by paragraph 2, by the following sentences: "To do so, the Commission shall make any inquiry it deems necessary. It must then report its audit findings to the Chair of the Conseil du trésor. However, the audit may not take precedence over the Commission's other functions and obligations."

*Adopté  
SP*

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Section 27

**AMENDMENT:**

Replace proposed section 32.2 by:

**“32.2.** Exceptionally, a public servant may be appointed to a position even though the public servant does not meet the minimum conditions of eligibility, or the equivalencies provided, if the public servant successfully completes a human resources development program which enables him to acquire the knowledge and skills required for the position. Such a program may, in particular, be implemented to support an administrative reorganization or the implementation of technological changes or to ensure a better match between an organization’s new needs and the possibility of proper development and promotion for employees. Such a program must first be authorized by the Conseil du trésor, subject to any condition it determines.

*Adopté  
SP*

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Section 27

**AMENDMENT:**

Replace proposed section 32.3 by:

“**32.3.** Exceptionally and to the extent that the person must meet the minimum conditions of eligibility or the additional requirements provided for in the desired profile to be appointed to the position, a person may participate in the selection process aimed at filling that position even if, at the time the person is applying, the person does not meet those conditions or requirements, in any of the following situations:

- (1) the person is awaiting his proof of Canadian citizenship, proof of permanent residency or work permit issued by the federal authority;
- (2) the person is in the process of meeting the requirements to be a member of the professional order required for the position to be filled;
- (3) the person is in the process of completing the last year of the most advanced formal training s required for the position to be filled;
- (4) the person is awaiting a qualification, certification or permit issued by a competent authority in the matter; or
- (5) any other situation determined by the Conseil du trésor.

Despite the first paragraph, a person referred to in subparagraph 3 or 4 of that paragraph may be appointed to a position even if the person does not meet the minimum conditions of eligibility or the additional requirements, provided the person is in the process of meeting them within a time period corresponding to the length of the person's probationary period less a day, without exceeding one year. Failure to comply with that last condition will result in the termination of the person's employment.

The Conseil du trésor shall determine any other applicable rule for the purposes of this section.”

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Section 37.1

**AMENDMENT:**

Insert after section 37:

ACT RESPECTING THE INSTITUT DE TECHNOLOGIE  
AGROALIMENTAIRE DU QUÉBEC

**37.1.** Section 87 of the Act respecting the Institut de technologie agroalimentaire du Québec (2021, chapter 3) is amended by striking out the third paragraph.

*Adopté  
SP*

AM 23  
s. 45 (c. F-3.1.1, r. 2)

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Section 45

**AMENDMENT:**

Withdraw.

Adopte  
SP

Bill 60

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Section 53

**AMENDMENT:**

Replace the first paragraph by:

The result of an examination administered during any selection process provided for by the Act or during a qualification assessment is deemed to be the result obtained during an identical or equivalent examination administered, before the coming into force of section 12, during a qualification process, including a specific qualification process, or a qualification assessment, if the time period between the administration of those examinations does not exceed one year.

*Adopté  
SP*

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Section 55

**AMENDMENT:**

Withdraw.

*Adopté  
SP*

Bill 60

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Section 50

**AMENDMENT:**

Replace by:

**50.** The qualification processes under way on the date of coming into force of section 12 are continued.

The banks of qualified persons related to such processes and those already established on that date are continued until the date that is one year after the date of coming into force of section 12.

The same applies to the lists of candidates declared qualified that are valid on the day before the date of coming into force of section 12 and that may be used in accordance with sections 35 and 36 of the Act to amend the Public Service Act mainly with respect to staffing (2013, chapter 25).

In addition, when a person's qualification or certification of qualification is maintained on the date of coming into force of section 12, it continues to be maintained until the date that is one year after the date of coming into force of that section.

*Adopté  
SP*

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Section 51

**AMENDMENT:**

Replace by:

**51.** Until the date that is one year after the date of coming into force of section 12, a deputy minister or a chief executive officer may, instead of initiating a selection process to fill a position, decide to appoint a person who is registered in a bank of qualified persons or on a list of candidates declared qualified referred to in the second and third paragraphs of section 50 or a person, referred to in the fourth paragraph of section 50, whose qualification or certification of qualification is maintained. Such an appointment is to be made in accordance with the former legislation.

However, when a deputy minister or a chief executive officer initiates a selection process to fill a position, a person referred to in the first paragraph must have participated in the process in order to be appointed.

*Adopté  
SP*

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Section 52

**AMENDMENT:**

Withdraw.

*Adopté  
SP*

Bill 60

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Section 57

**AMENDMENT:**

Replace by:

**57.** Sections 1 and 3 apply only to probationary periods that begin after (*insert the date preceding the date of assent to this Act*).

*Adopted  
SP*

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Section 57.1

**AMENDMENT:**

Insert after section 57:

**57.1.** Section 2 applies to public servants who have not acquired permanent tenure on *(insert the date of assent to this Act)*.

*Adopte  
SP*

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Section 8

**AMENDMENT:**

Replace the second paragraph of proposed section 30 by:

To that end, the public servant must notify in writing the deputy minister or the chief executive officer in the government department or body to which he belonged within the time and on the conditions determined by the Conseil du trésor.”

*Adopté  
SPR*

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Section 58

**AMENDMENT:**

Replace "7" in the first paragraph by "9".

*Adopte  
SAR*

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Section 59

**AMENDMENT:**

Replace “, 2, 57 and 58” by “to 3, 26 and 56 to 57.1”.

*Adopted  
SP*