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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 32

**An Act to establish the cultural safety  
approach within the health and social  
services network**

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**Introduction**

**Introduced by  
Mr. Ian Lafrenière  
Minister Responsible for Relations  
with the First Nations and the Inuit**

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## **EXPLANATORY NOTES**

*This bill requires every institution in the health and social services network to adopt a cultural safety approach toward Indigenous persons, one which takes their cultural and historical realities into account in all interactions with them.*

*In that respect, the bill requires every institution to adopt safe practices. Such practices include considering Indigenous persons' cultural and historical realities, promoting partnership with them and being welcoming and inclusive towards them.*

*Lastly, the bill empowers the Government to make a regulation prescribing the terms and conditions to allow Indigenous persons to engage in certain professional activities reserved under the Professional Code for the purpose of facilitating Indigenous persons' access to professional services in the field of mental health and human relations and, in particular, to promote the culturally safe nature of those services.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Professional Code (chapter C-26).

## Bill 32

### **AN ACT TO ESTABLISH THE CULTURAL SAFETY APPROACH WITHIN THE HEALTH AND SOCIAL SERVICES NETWORK**

AS Indigenous persons must be distinguished from other users when taking into account users' rights to appropriate health services and social services, since they form nations with distinct histories and cultures;

AS the cultural safety approach is based on the principle of social justice and helps promote trusting relationships with Indigenous users;

AS the Commission d'enquête sur les relations entre les Autochtones et certains services publics recommends the implementation of the cultural safety approach by institutions in the health and social services network; and

AS this approach is important to Indigenous peoples and is one of the demands put forward in Joyce's Principle;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Every institution in the health and social services network must adopt a cultural safety approach toward Indigenous persons. This approach takes their cultural and historical realities into account in all interactions with them.

To that end, every institution must adopt safe practices, which include

(1) considering the values and cultural and historical realities of Indigenous persons;

(2) promoting partnership and effective communication with Indigenous persons;

(3) being welcoming to and inclusive of Indigenous persons;

(4) adapting, where possible, health services and social services by means such as

(a) hiring Indigenous personnel;

(b) providing access to support resources for Indigenous persons, including within the framework of any complaint examination process;

(c) ensuring mandatory training of all employees on Indigenous cultural and historical realities; and

(d) taking into account the realities specific to Indigenous women and girls.

For the purposes of this Act, “institution” means any public institution governed by the Act respecting health services and social services (chapter S-4.2), except a public institution governed by Part IV.1 or Part IV.3 of that Act.

**2.** Within three months after the end of its fiscal year, every institution must inform the Minister of the safe practices it has implemented during that year.

With a view to the ongoing improvement of the deployment of the cultural safety approach, every year the Minister publishes a list of the practices implemented by institutions during the preceding fiscal year.

**3.** The Professional Code (chapter C-26) is amended by inserting the following section after section 39.9:

**“39.9.1.** To facilitate Indigenous persons’ access to professional services in the field of mental health and human relations and, in particular, to promote the culturally safe nature of those services, the Government may, by regulation and after consulting the Indigenous communities concerned, determine the terms and conditions on which Indigenous persons who do not meet the conditions for the issue of a permit by one of the professional orders may, in a given territory, engage in the following reserved professional activities:

(1) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act (chapter P-34.1);

(2) assess an adolescent further to a decision of a court made under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1); and

(3) determine the intervention plan for a person who suffers from a mental disorder or exhibits suicidal tendencies and who resides in a facility run by an institution operating a rehabilitation centre for young persons with adjustment problems.”

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

**5.** This Act comes into force on (*insert the date of assent to this Act*).