



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 94

**An Act to establish guidelines governing
accommodation requests within the
Administration and certain institutions**

Introduction

**Introduced by
Madam Kathleen Weil
Minister of Justice**

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EXPLANATORY NOTES

The purpose of this bill is to establish the conditions under which an accommodation may be made in favour of personnel members of the Administration or certain institutions or in favour of persons to whom services are provided by the Administration or certain institutions.

To that end, the notion of accommodation is defined, all accommodations are made subject to the Charter of human rights and freedoms, in particular as concerns the right to gender equality and the principle of religious neutrality of the State, and it is provided that an accommodation may only be made if it is reasonable, that is, if it does not create any undue hardship.

It is stated that the practice whereby a personnel member of the Administration or an institution and a person to whom services are being provided by the Administration or the institution show their face during the delivery of services is a general practice, and that if an accommodation involves an adaptation of that practice and reasons of security, communication or identification warrant it, the accommodation must be denied.

The highest administrative authority of a department, body or institution is entrusted with the responsibility of ensuring compliance with this bill.

Bill 94

AN ACT TO ESTABLISH GUIDELINES GOVERNING ACCOMMODATION REQUESTS WITHIN THE ADMINISTRATION AND CERTAIN INSTITUTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND DEFINITIONS

1. The purpose of this Act is to establish the conditions under which an accommodation may be made in favour of a personnel member of the Administration or an institution or in favour of a person to whom services are provided by the Administration or an institution.

An adaptation of a norm or general practice, dictated by the right to equality, in order to grant different treatment to a person who would otherwise be adversely affected by the application of that norm or practice constitutes an accommodation.

2. For the purposes of this Act, the Administration comprises

(1) the departments of the Government;

(2) all budget-funded bodies, namely all bodies all or part of the expenditures of which are provided for in the estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) all bodies whose personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(4) all bodies a majority of the members or directors of which are appointed by the Government or by a minister and at least half of the expenditures of which are borne directly or indirectly by the consolidated revenue fund;

(5) all bodies whose capital stock forms part of the domain of the State;
and

(6) all government agencies listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

The Lieutenant-Governor, the National Assembly, persons designated by the National Assembly to exercise a function under its authority and bodies to which the National Assembly or any of its committees appoints the majority of the members are considered to be bodies of the Administration. Persons appointed or designated by the Government or a minister in the exercise of the functions assigned to them by law, the Government or the Minister are also considered to be bodies of the Administration.

3. The following are institutions within the meaning of this Act:

(1) school boards, the Comité de gestion de la taxe scolaire de l'île de Montréal, institutions accredited for purposes of subsidies under the Act respecting private education (R.S.Q., chapter E-9.1), institutions whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1), and general and vocational colleges and the university institutions mentioned in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);

(2) health and social services agencies and public institutions and private institutions under agreement governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2), intermediate resources, family-type resources and private nursing homes governed by that Act, legal persons and joint procurement groups referred to in section 383 of that Act, and the James Bay Cree health and social services council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5); and

(3) childcare centres, day care centres, home childcare coordinating offices and recognized home childcare providers subsidized under the Educational Childcare Act (R.S.Q., chapter S-4.1.1).

CHAPTER II

CONDITIONS RELATED TO ACCOMMODATION

4. An accommodation must comply with the Charter of human rights and freedoms (R.S.Q., chapter C-12), in particular as concerns the right to gender equality and the principle of religious neutrality of the State whereby the State shows neither favour nor disfavour towards any particular religion or belief.

5. An accommodation may only be made if it is reasonable, that is, if it does not impose on the department, body or institution any undue hardship with regard to, among other considerations, related costs or the impact on the proper operation of the department, body or institution or on the rights of others.

6. The practice whereby a personnel member of the Administration or an institution and a person to whom services are being provided by the Administration or the institution show their face during the delivery of services is a general practice.

If an accommodation involves an adaptation of that practice and reasons of security, communication or identification warrant it, the accommodation must be denied.

7. The highest administrative authority of a department, body or institution is responsible for ensuring compliance with this Act within that department, body or institution.

CHAPTER III

FINAL PROVISIONS

8. The Minister of Justice is responsible for the administration of this Act.

9. Subject to the Charter of human rights and freedoms, this Act has precedence over any provision to the contrary in any Act, regulation, order in council, order, directive, agreement or other act or document.

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

