



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 16

**An Act to promote action by the
Administration with respect to cultural
diversity**

Introduction

**Introduced by
Madam Yolande James
Minister of Immigration and Cultural Communities**

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EXPLANATORY NOTES

The purpose of this bill is to promote action by the Administration with respect to the cultural diversity resulting from distinctive ethnocultural features and the fight against discrimination based on race, colour, religion or ethnic or national origin.

Under the bill, the Minister responsible for advising the Government on cultural diversity is also responsible for developing measures to increase society's openness to cultural diversity and foster the full participation of members of cultural communities in Québec society, and for coordinating their implementation. The Minister is also responsible for developing and implementing a government policy and an action plan to foster society's openness to cultural diversity and combat discrimination. In addition, the bill requires bodies of the Administration to adopt a cultural diversity management policy and report on its implementation.

Lastly, the bill clarifies the scope of the functions of the Conseil des relations interculturelles, stipulating that they include advising the Minister on the full participation of members of cultural communities in Québec society.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);
- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2).

Bill 16

AN ACT TO PROMOTE ACTION BY THE ADMINISTRATION WITH RESPECT TO CULTURAL DIVERSITY

AS, according to the principles set out by the Charter of human rights and freedoms, respect for the dignity of human beings, equality of women and men, and recognition of their rights and freedoms constitute the foundation of justice, liberty and peace;

AS, on 10 December 1986, the National Assembly unanimously supported the *Déclaration du Gouvernement du Québec sur les relations interethniques et interraciales*, under which, among other things, the Gouvernement du Québec is to do everything in its power to encourage the full participation of every citizen in Québec's economic, social and cultural progress;

AS it is essential to further encourage the full participation of members of cultural communities in Québec society;

AS it is appropriate to affirm the commitment of all members of Québec society to join forces and take unified action to provide individuals with the means to achieve their potential without regard to their race, colour, religion or ethnic or national origin;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. The purpose of this Act is to promote action by the Administration with respect to the cultural diversity resulting from the distinctive ethnocultural features of Québec society.

The Act also seeks to promote the Administration's action with respect to the fight against discrimination based on race, colour, religion or ethnic or national origin.

CHAPTER II

RESPONSIBILITIES OF THE MINISTER

2. The Minister advises the Government on cultural diversity.

The Minister may make recommendations to the Government on this subject.

3. The Minister develops and proposes to the Government measures to increase society's openness to cultural diversity and foster the full participation of members of cultural communities in Québec society.

The Minister coordinates the implementation of the measures.

4. The Minister develops and proposes to the Government a policy to foster society's openness to cultural diversity and combat discrimination based on race, colour, religion or ethnic or national origin.

The policy must foster the implementation of a concerted and overall approach that takes into account the various dimensions of discrimination.

The Minister coordinates the implementation of the policy.

5. The Minister develops an action plan for implementing the government policy.

The Minister coordinates the implementation of the plan, taking into account the responsibilities of the Conseil du trésor in particular with respect to equal access to employment.

The Conseil du trésor establishes the policy directions for the action plan for cultural diversity management to be developed by the departments and bodies whose personnel is appointed under the Public Service Act (R.S.Q., chapter F-3.1.1), except the National Assembly and any person referred to in section 8.

6. In the exercise of ministerial responsibilities, the Minister may

(1) foster concerted action and partnership;

(2) coordinate action for the development of cultural diversity management policies, particularly by making appropriate tools and training available;

(3) encourage research and the collection of data on the different forms of discrimination based on race, colour, religion or ethnic or national origin, including racial profiling;

(4) promote public education and awareness to increase society's openness to cultural diversity and foster the full participation of members of cultural communities in Québec society; and

(5) collect information and conduct or commission studies and research.

CHAPTER III

RESPONSIBILITIES OF THE ADMINISTRATION

7. This chapter applies to the following bodies of the Administration:

(1) bodies most of whose members or directors are appointed by the Government or a minister or whose capital stock forms part of the domain of the State and bodies whose members are appointed by the National Assembly or one of its committees, except bodies whose personnel is appointed under the Public Service Act; and

(2) public bodies to which subparagraph 3 of the first paragraph of section 2 or the second paragraph of section 2 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01) applies.

This chapter also applies to public institutions governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) and private institutions governed by that Act that operate with sums received from the consolidated revenue fund, if they employ 100 persons or more for a continuous period of six months in each of two consecutive years, agencies governed by that Act, except institutions and the agency referred to in Part IV.1 of that Act, and the Corporation d'hébergement du Québec. However, an agency takes on the obligations set out in sections 9 and 11 for the institutions in its area of jurisdiction.

This chapter does not apply to courts of justice within the meaning of the Courts of Justice Act (R.S.Q., chapter T-16), bodies whose membership is wholly made up of judges of the Court of Québec, the Conseil de la magistrature, the committee on the remuneration of the judges of the Court of Québec and the municipal courts, or administrative bodies established to exercise adjudicative functions, where exercising those functions.

8. The National Assembly and the officers of the National Assembly, along with their personnel, are considered to be bodies of the Administration.

Section 9 and the first and second paragraphs of section 10 on cultural diversity management policies apply to the National Assembly, subject to the second paragraph of section 110 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1), and to the officers of the National Assembly. Section 11 also applies to such officers.

The Office of the National Assembly may specify the subjects to be dealt with in a cultural diversity management policy, as well as the frequency and intervals at which the policy is to be updated.

The National Assembly and the officers of the National Assembly must report to the Office annually on the goals of their cultural diversity management policy and the actions undertaken to achieve them during the year.

9. Every body of the Administration must adopt and make public a cultural diversity management policy.

However, a body to which the Act respecting equal access to employment in public bodies applies is not required to deal with the measures included in its equal access employment program in its diversity management policy.

10. A cultural diversity management policy must include the goals sought and the means through which the body intends to achieve them.

The policy may include measures to promote the full participation of members of cultural communities in Québec society.

The Government may specify the subjects to be dealt with in a policy and the frequency and intervals at which the policy is to be updated.

11. A body must state the goals of its cultural diversity management policy and the actions undertaken during the year to achieve them in a special section of its annual activity report or annual management report.

CHAPTER IV

AMENDING PROVISIONS

12. Section 20 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01) is amended

(1) by inserting the following paragraph after the first paragraph:

“The public body shall also state the measures taken and the results achieved in its annual activity report or annual management report.”;

(2) by replacing “report every three years to the Commission” in the last paragraph by “also report to the Commission every three years”.

13. Section 13 of the Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) is amended by replacing “or immigrant integration” by “, the integration of immigrants or the full participation of members of cultural communities in Québec society”.

14. Section 14 of the Act is amended

(1) by replacing “and the integration of immigrants” in paragraph 1 by “, the integration of immigrants or the full participation of members of cultural communities in Québec society”;

(2) by replacing “related to intercultural relations and the integration of immigrants that calls for attention or action by the Government” in paragraph 2 by “that calls for attention or action by the Government and that is related to intercultural relations, the integration of immigrants or the full participation of members of cultural communities in Québec society”;

(3) by replacing “related to intercultural relations and the integration of immigrants” in paragraph 3 by “related to the discharge of its function”.

15. Section 15 of the Act is amended by replacing “and the integration of immigrants” by “, the integration of immigrants or the full participation of members of cultural communities in Québec society”.

CHAPTER V

FINAL PROVISIONS

16. Not later than (*insert the date that is six years after the date of coming into force of this Act*), the Minister must report to the Government on the carrying out of this Act.

The Minister must table the report in the National Assembly within 60 days of its being forwarded to the Government or, if the Assembly is not sitting, within 15 days of resumption.

17. The Government designates the Minister responsible for the administration of this Act.

18. This Act comes into force on (*insert the date of assent to this Act*), except the third paragraph of section 5, which comes into force on (*insert the date that is one year after the date of coming into force of this Act*), and sections 9, 11 and 12, which come into force on the date or dates to be set by the Government.

