



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 32
(2024, chapter 42)

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

**Introduced 9 June 2023
Passed in principle 4 June 2024
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Assented to 5 December 2024**

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EXPLANATORY NOTES

This Act requires Santé Québec and every institution in the health and social services network to adopt a cultural safety approach toward First Nations members and the Inuit. The approach consists of implementing a set of practices which aim to ensure that First Nations members and the Inuit have equitable access, without any discrimination, to health care and social services. It implies taking their cultural, linguistic and historical realities into account in all interactions with them.

In that respect, the Act requires Santé Québec and every institution to develop, with representatives of the First Nations and the Inuit, measures specifying the culturally safe practices they intend to implement. The practices must take into account, in particular, the cultural, spiritual and historical realities of First Nations members and the Inuit, promote partnership with them and be welcoming to and inclusive of them.

The Act creates the national committee on cultural safety that is responsible for giving its opinion to the Minister on, among other things, the provision of health services and social services to First Nations members and the Inuit and on the cultural safety approach implemented by Santé Québec and the institutions in the health and social services network.

Lastly, the Act empowers the Government to make a regulation prescribing the terms and conditions to allow First Nations members and Inuit to engage in certain professional activities reserved under the Professional Code for the purpose of facilitating access by First Nations members and the Inuit 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 ACT:

- Professional Code (chapter C-26).

Bill 32

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

AS First Nations members and the Inuit must be distinguished from other users when taking into account users' rights to receive appropriate health services and social services, since they form nations with distinct histories and cultures;

AS the Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission of Canada, the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec have recognized the racism and discrimination in society experienced by First Nations members and the Inuit;

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

AS the implementation of the cultural safety approach in the health and social services sector contributes to the overall improvement of the living conditions of the First Nations and the Inuit;

AS the cultural safety approach is based on the principle of social justice and helps promote trusting relationships with First Nations members and the Inuit;

AS this approach is important to First Nations members and the Inuit and is one of the demands put forward in Joyce's Principle;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. For the purposes of this Act, cultural safety is an approach that consists of implementing a set of practices which aim to ensure that First Nations members and the Inuit have equitable access, without any discrimination, to health care and social services.

This approach aims to enable First Nations members and the Inuit to enjoy the best possible physical, mental, emotional and spiritual health. It implies taking into account their cultural, linguistic and historical realities in the organization of care and services and in all interactions with them. It also implies considering with respect their traditional and contemporary practices and knowledge in the fields of health and social services.

2. Santé Québec and every institution in the health and social services network must adopt a cultural safety approach toward First Nations members and the Inuit.

To that end, Santé Québec and every institution must develop, with representatives of the First Nations and the Inuit, measures specifying the culturally safe practices they intend to implement, the means to be taken and timetable for implementing them, the desired impact of the implementation and the mechanisms for measuring that impact.

Culturally safe practices must

(1) take into account the values and the cultural, spiritual and historical realities of First Nations members and the Inuit;

(2) promote partnership and effective communication with First Nations members and the Inuit;

(3) be welcoming to and inclusive of First Nations members and the Inuit;

(4) provide for the development of continuing education programs, make such education mandatory for the professionals and personnel in the health and social services network and provide for a mechanism for evaluating learner outcomes; and

(5) adapt the offering of health and social services by means such as

(a) hiring personnel from among First Nations members and the Inuit;

(b) providing access to support resources for First Nations members and the Inuit, including within the framework of any complaint examination process; and

(c) taking into account the realities specific to First Nations women and girls or Inuit women and girls or specific to their families and children.

The implementation of culturally safe practices must take into account the legislative and regulatory provisions relating to the organization and operation of Santé Québec and the institutions as well as the human, material and financial resources at their disposal.

For the purposes of this Act, “institution” means any institution referred to in Schedule II to the Act respecting the governance of the health and social services system (chapter G-1.021) and in Part IV.1 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2).

3. Every year, every institution in the health and social services network submits to Santé Québec, in the form the latter determines, a report on the culturally safe practices it has implemented.

Every year, Santé Québec must present the culturally safe practices it has itself implemented and those implemented by the institutions in a report it sends to the Minister not later than 31 March.

The Minister sends Santé Québec's report to the President of the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption. The report is published on the website of the Ministère de la Santé et des Services sociaux and presented to the national committee on cultural safety provided for in section 4, the First Nations and the Inuit. The manner in which the report is to be presented to the First Nations and the Inuit is determined by the national committee on cultural safety.

4. A national committee on cultural safety is responsible for giving its opinion to the Minister on the following matters:

(1) the provision of health services and social services to First Nations members and the Inuit; and

(2) the cultural safety approach toward First Nations members and the Inuit, in particular

(a) the deployment of culturally safe practices;

(b) the impact of culturally safe practices in the health and social services network; and

(c) the continuing education programs developed under subparagraph 4 of the third paragraph of section 2.

The committee is composed of members appointed by the Minister and includes at least

(1) one person representing the First Nations, who is a First Nations member;

(2) one person representing the Inuit nation;

(3) one person with experience relevant to the provision of health services and social services to First Nations members and the Inuit in urban areas;

(4) one person with knowledge relevant to the realities specific to First Nations women and girls; and

(5) one person with knowledge relevant to the realities specific to Inuit women and girls.

A regulation of the Minister provides for the committee's rules of operation, the terms and conditions for the administration of its affairs, and its other functions, duties and powers.

5. In order to improve the cultural safety approach and culturally safe practices, the Minister establishes the priorities, objectives and guidelines of Santé Québec and the institutions in the health and social services network and sees that they are complied with and implemented.

PROFESSIONAL CODE

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

“39.9.1. To facilitate access by First Nations members and the Inuit 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 First Nations, the Inuit and the professional orders concerned, determine the terms and conditions on which First Nations members and Inuit who do not meet the conditions for the issue of a permit by one of the professional orders may, on an Indian reserve, in a settlement in which an Indigenous community lives or on Category I or Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), 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.”

FINAL PROVISIONS

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

8. This Act comes into force on 5 December 2024.

