

# List of Recommendations



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## RECOMMENDATIONS TO ALL DEPARTMENTS AND AGENCIES

### REGARDING THE ADMINISTRATION'S EXERCISING OF DISCRETIONARY POWERS:

It is recommended:

- That whenever the Government makes a decision calling for it to exercise its discretionary authority, it should be sufficiently reasoned so that its grounds can be well understood by the citizen. This will have the effect of keeping arbitrary decisions to a minimum, while ensuring respect for the principles of *An Act respecting administrative justice*;
- That a person be designated "in charge" whenever more than one administrative unit is involved in a file. This person will be accountable for ensuring that actions are coordinated, and will serve as the primary contact in dealing with the client. Such a recommendation can easily be implemented under the existing legal framework.

## RECOMMENDATIONS TO THE FOLLOWING DEPARTMENT AND AGENCIES:

- The Ministère des Affaires municipales et des Régions
- The Ministère du Développement durable, de l'Environnement et des Parcs
- The Ministère des Ressources naturelles et de la Faune
- The Ministère de la Sécurité publique
- The Ministère des Transports du Québec

With regard to the implementation of the Government risk prevention framework for the prevention of natural hazards, more specifically erosion of shores, and given that this issue involves various departments,

**It is recommended:**

- That the coordination of all government actors be a priority at all times, given the scope and complexity of this issue;
- That all actors adapt their ways of working and become actively involved, when appropriate and in a coordinated fashion, in seeking out concrete solutions and supporting the citizens affected;
- That all the departments and agencies involved disclose, as soon as possible, the concrete actions they have planned, including methods for informing citizens;
- That all the departments and agencies involved develop a work schedule with published deadlines;
- That all other departments, organizations or bodies implicated in the file on an ad hoc basis act according to these standards.

## THE MINISTÈRE DE LA JUSTICE

### THE REVIEW OF SUPPORT PAYMENTS (CONSENT OF THE PARTIES)

**It is recommended:**

- That the Civil Code and the Code of Civil Procedure be modified to relax the process for reviewing child support.

### THE DIRECTEUR DE L'ÉTAT CIVIL

**It is recommended:**

- That the Civil Code of Québec be amended so that a person born in Québec can ask the Directeur de l'état civil for a certificate of change of designation of sex even if he or she is no longer domiciled in Québec;
- That it also be amended to take into account the traditions and customs of new immigrants and members of cultural communities with regard to patronymics upon registration of a birth in the register of civil status.

## THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

### COORDINATION AND STANDARDIZATION OF METHODS

#### It is recommended:

- That whenever the Government makes a decision calling for it to exercise its discretionary authority, it should be sufficiently reasoned so that its grounds can be well understood by the citizen. This will have the effect of keeping arbitrary decisions or any semblance of arbitrary decisions to a minimum, while ensuring respect for the principles of *An Act respecting administrative justice*;
- That a person be designated as “in charge” whenever more than one administrative unit is involved in a file. This person will be accountable for ensuring that actions are coordinated, and will serve as the primary contact in dealing with the client. Such a recommendation can easily be implemented under the existing legal framework.

## REVENU QUÉBEC

### TAXATION

Given that Revenu Québec attempts to follow up on letters from citizens, which often contain documents or receipts, within 35 days;

Given that documents or receipts are sometimes not entered in the file, entered but not sent to an agent, or not all sent to the area responsible,

#### It is recommended:

- That Revenu Québec consider the possibility of reducing the 35-day time frame to follow up on letters from citizens;
- That Revenu Québec review its processes to:
  - Ensure that the documents and receipts received from citizens are properly examined and sent to each of the areas that must process them;
  - Avoid asking citizens for new copies of documents or receipts that have already been sent.

## THE COLLECTION OF SUPPORT PAYMENTS

It is recommended:

- That with regard to the support payment collection system, the methods of reimbursement of amounts due to Revenu Québec take into account the needs of support payment creditors and adapt to individual situations.

## THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

### CIVIL PROTECTION

#### **Erosion of the banks of the St. Lawrence**

With regard to the implementation of the Gouvernement risk prevention framework for the prevention of natural hazards, more specifically erosion of shores, and given that this issue involves various departments,

It is recommended:

- That the coordination of government actors be a constant priority, given the scope and complexity of this issue;
- That all actors adapt their ways of working and become actively involved, when appropriate and in a coordinated fashion, in seeking out concrete solutions and supporting the citizens affected;
- That all the departments and agencies involved disclose, as soon as possible, the concrete actions they have planned, including methods for informing citizens;
- That all the departments and agencies involved develop a work schedule with published deadlines;
- That all other departments, organizations or bodies implicated in the file on an ad hoc basis act according to these standards.

## CORRECTIONAL SERVICES

In view of the fact that knowledge of the profile and specific characteristics of the various categories of detainees is essential for making decisions and implementing adequate social reintegration measures,

### It is recommended:

- That the relevance and effectiveness of social reintegration measures for detainees taken during their detention and on their release be reassessed, taking into account more specific needs, particularly those related to improvement of health, prevention of violence, and reoffending;
- That this reassessment be followed by the adoption of government orientations for the social reintegration of detainees, together with specific measures arising therefrom;
- That the portrait of correctional services clientele, in particular the social and penal characteristics of detainees, be better documented from 2008-2009 and brought up to date thereafter.

In view of the fact that, while we welcome the announcements of renovations of penal infrastructures, we note that they will be insufficient to counter the negative aspects of overpopulation;

In view of the fact that hygiene and salubrity conditions in detention facilities require immediate attention,

**It is recommended:**

- That the Ministère de la Sécurité publique work with the Ministère de la Santé et des Services sociaux to establish and implement without delay a plan to improve the salubrity of detention facilities, particularly from the standpoint of preventing disease and managing contamination risks;
- That the Ministère de la Sécurité publique examine the layout of premises, in particular dormitory cells, so that basic conditions of living, dignity and respect for individuals are provided.

In view of the fact that, due to the growth in the number of inmates and the capacity of detention facilities, overpopulation has become an enduring situation;

In view of the negative impacts of the transfer of detainees on their social reintegration and the consequences for their families, and in order to limit this practice to urgent situations that cannot be dealt with in any other way;

In view of the fact that central management of transfers and releases for security purposes or as a result of overpopulation is a complex and demanding task,

**It is recommended:**

- That correctional services acquire an integrated information management system that will facilitate the taking into account of all data relevant to management of transfers and releases;
- That they ensure that practices are improved so as to avoid, or else minimize, the negative impacts of the transfer on health care received and on the social reintegration of detainees;
- That correctional services take the measures necessary to enhance and tighten up existing practices for all foreseeable short-term transfer cases, including management of absences for court appearances and returns to facilities of origin.

### MONITORING AND SUPERVISION OF INMATES

In view of the impacts of the role of correctional officers on the implementation of the Act and on the ability of facilities to carry out their entire mission,

**It is recommended:**

- That the Ministère de la Sécurité publique establish a normal level of service for detention facilities in order to attain the objectives of the *Act respecting the Québec correctional system*, on the basis of the ratio between the number of a facility's full-time employees and the number of detainees;
- That it assess the gap between this normal level of service required to attain the Act's objectives and the current level of service, and take whatever measures are required to implement the Act.

### WAITS, DELAYS AND OMISSIONS IN ASSESSMENTS

In view of the fact that delays observed in completing assessments and developing correctional case management plans for inmates are of great concern because assessment is an important instrument in the implementation of the new act,

**It is recommended:**

- That regular monitoring of assessment production times be carried out with the aim of ensuring that the right of detainees to be assessed in a timely manner is respected and preventing the adverse effects of delays in assessment on their social reintegration.



## RÉGIE DES RENTES DU QUÉBEC

### RETROACTIVE PENSION PAYMENTS IN THE EVENT OF A DECLARATORY JUDGMENT OF DEATH

It is recommended:

- That *An Act respecting the Québec Pension Plan* be amended so it is in harmony with the Civil Code of Québec, to ensure that once the declaratory judgment of death is rendered, the Régie des rentes can pay the surviving spouse's or orphan's pension retroactively to the date determined by the court.

## SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

### MAINTAINING AND IMPROVING SERVICES

It is recommended:

- That maintaining and improving services constitute formal criteria which the Société de l'assurance automobile du Québec must necessarily and systematically take into account during administrative decision-making and the implementation of measures for reducing operating costs.

## SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

### HARMONIZING ACTIVITIES WITH REGARD TO A SIMPLE CITIZEN

Given that under section 83.66 of the *Automobile Insurance Act* and section 449 of *An Act respecting industrial accidents and occupational diseases*, the Société de l'assurance automobile du Québec (SAAQ) and the Commission de la santé et de la sécurité du travail (CSST) have reached an agreement regarding processing files of injured parties who, while receiving an income replacement indemnity from the SAAQ or the CSST, experience a new incident that is not within the scope of responsibility of the agency providing compensation;

Given that the agreement between the SAAQ and the CSST does not cover all cases of citizens who have already received an income replacement indemnity from the SAAQ or the CSST and who experience a new incident that is within the scope of responsibility of the other system;

Given that harmonization problems arise between the SAAQ and CSST in the review of files and on decisions rendered;

Given that there can be unfair consequences of these situations for victims of injury,

**It is recommended:**

- That the Société de l'assurance automobile du Québec and the Commission de la santé et de la sécurité du travail identify and implement appropriate short-term solutions to harmonize their activities with regard to a single citizen.