

GUIDE

to Setting Up and Operating
Users' Committees in
Health-care and
Social-service Institutions



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
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DE MONTRÉAL-CENTRE

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Preamble

As part of the reform of the early 1990s, the Association des centres d'accueil du Québec prepared a guide for setting up users' committees at institutions in the health-care and social-service network. The guide was intended for institutions that were obliged to set up users' committees or who wished to do so. It was intended specifically for institutions with the following missions, which are legally required to set up users' committees:

- 1- Residential and long-term care centres;
- 2- Psychiatric hospital centres;
- 3- Rehabilitation centres for the intellectually or physically handicapped;
- 4- Rehabilitation centres for persons suffering from alcoholism or other addiction problems;
- 5- Child and youth protection centres;
- 6- Rehabilitation centres for young persons or mothers with adjustment problems;
- 7- General and specialized hospital centres.

This guide does not pretend to answer all the questions that may arise when setting up and operating users' committees in institutions. Since the passage of the *Act respecting health services and social services* in 1991, provisions on the composition of committees have been amended – hence the need to update this guide. In addition, after 10 years of experience working with committees at various institutions, a certain number of clarifications and points of information appear to be necessary.

Our goal is to support staff and members of users' committees so that committee members can play their full role in the provision of quality services that meet the expectations of users and their close relatives.



Introduction

This guide is intended as a reference tool to help with setting up and running users' committees in health-care and social-service institutions. The guide presents a pragmatic interpretation of the Act and provides a series of supporting documents (see Appendices) designed to stimulate a more in-depth reflection at the local level.

Starting with a brief description of the background for the applicable legal provisions, we will discuss the obligatory or optional nature of setting up a users' committee, the composition of the committee, the general responsibilities of the board of directors and the executive director of the institution, the responsibilities of the regional board and the Minister, the steps involved in setting up the committee, the functions of the committee, and the presentation of the annual report.

In essence, the appendices contain the text of by-laws or procedures to be followed by the institution's board of directors or the users' committee, as applicable. While the text may appear to be somewhat dense at first glance, we believe that the appendices are useful nonetheless, since they address various underlying concepts that may be simplified, improved upon or rejected following discussion by those concerned. It is important for the various bodies of the institution to be able to appropriate the elements that concern them and adapt them as need be.

Before turning to Chapter 1, we would like to stress the importance of attitudes shown by institutional representatives as well as members of users' committees. We believe that all should remain open-minded and act in a spirit of healthy cooperation, knowing that others share their commitment to the continuous improvement in service quality and user satisfaction. It is our hope that real synergy is developed through cooperation, open-mindedness and the courage to express and hear views regarding the weaker links in service delivery. Within the framework of continuous improvement in service quality and user satisfaction programmes there is no room for negativity, hostility, intolerance or disloyalty.

Together let us place the "**citizen user**" at the heart of the network's concerns.

Chapter 1

Background



1.1 The Reforms of the 1990s

As part of the reform that took place in the health-care and social-service system in the early 1990s, nine orientations were presented that were intended to place the citizen at the very heart of the system². One of those orientations was designed to ensure that citizen-consumers' rights were recognized and respected.

In the wake of these orientations, an Act³ was passed in August 1991 that reorganized the entire Quebec health-care and social-service system. The Act, which remains in effect to this day, contains three measures that address ways in which users' rights are to be recognized and fostered:

MINISTER'S PROPOSED MEASURES REGARDING USERS' RIGHTS
<ol style="list-style-type: none">1. Foster and broaden the scope of users' rights;2. Make mechanisms for the examination of complaints more transparent, credible and efficient;3. Foster mechanisms for assisting and accompanying users.

In the Act, these measures are reflected in the provisions on the basic rights of users (sections 4 to 16), followed by provisions on the examination of complaints (sections 29

² *Une réforme axée sur le citoyen*. Québec: Ministère de la Santé et des Services sociaux, December 1990, page 12.

³ In this guide, the term "the Act" refers to *An Act respecting health services and social services, amending various legislative provisions (L.Q. 1991, Chapter 42, as amended by L.Q. 1992, Chapter 21)*. The Act received official sanction on September 4, 1991.

to 76). In addition, the Act contains various measures designed to foster mechanisms for assisting and accompanying users. The principal measures are as follows:

MEASURES IN THE ACT REGARDING MECHANISMS FOR ASSISTING AND ACCOMPANYING USERS

1. **Broader criteria for setting up** users' committees (section 209, first paragraph);
2. A more focused orientation of the committee's **functions** to **defend** collective rights and interests, to **foster** improved living conditions and to **assess** users' satisfaction (section 212, first paragraph);
3. Allocation of a specific **budget** for the users' committee (section 209, first paragraph);
4. A requirement that the users' committee produce an **annual report** (section 212, last paragraph);
5. Recognition by the Minister of a **community organization** in each region with a mandate to assist and accompany, on request, users wishing to file a complaint with the regional board or an institution in the region (section 54).

The objective of this set of measures is to provide improved support for users as they exercise their rights and have those rights recognized.

1.2 Transition Period

The Act provided for a transition period for setting up users' committees that came to an end on April 1, 1993⁴. As of this date all Beneficiaries committees should have ceased their activities and been replaced by the new Users' committees as described in the Act.

⁴ **619.11** "The beneficiaries' committee established by an institution in accordance with section 118.1 of the Act respecting health services and social services is deemed to be the users' committee provided for under section 209 until 1 April 1993 or any later date determined by the Government. From that date, the composition of the committee must be as prescribed in section 209 and it shall carry out the functions enumerated in section 212.

"An institution which has no beneficiaries' committee and which, pursuant to section 209, is required to set up a users' committee must do so before the date mentioned in the first paragraph."

Chapter 2

Setting Up a Users' Committee



Section 209 of the Act discusses the steps involved in setting up a users' committee (whether obligatory or optional) in a public or private institution, the basic composition of such a committee, and the obligation to ensure equitable representation for centres and facilities where institutions operate more than one centre or provide services at several facilities.

SECTION 209 OF THE ACT

"Each institution **shall**, once it operates a residential and long-term care centre of 20 beds or more, a rehabilitation centre, a psychiatric hospital centre or a child and youth protection centre, **set up** a committee for the users of those centres and, in the case of a public institution or of a private institution which is a party to an agreement under section 475, allocate to it the special budget provided for that purpose in its operating budget or, in the case of a private institution which is not a party to an agreement, the amount paid for that purpose by the Minister.

"An institution which operates a residential and long-term care centre of less than 20 beds, a general and specialized hospital centre or a local community services centre **may set up** such a committee at the request of the users to whom it provides services.

"The committee shall be composed of **at least five members** elected by the users of the institution. A majority of the members must be users. However, where it is impossible to obtain a majority of users on the committee, the users may elect any other person of their choice, provided the person is not a person working for the institution or practising a profession in a centre operated by the institution.

"Where the institution operates more than one centre or uses several facilities for the same centre, the composition of the committee must ensure an **equitable representation** of the users of each of those centres and of the users lodged in each of those facilities." (*our emphasis*)

Under the Act and in accordance with its provisions, the decision to set up a users' committee is made by the institution's Board of Directors, while the Users' committee's operating rules are established by the Users' committee itself (sections 209 and 212 of the Act). By-laws are generally passed by the Board of Directors to carry out the institution's obligation of setting up a users' committee.

The by-law on setting up a users' committee could be called simply *An internal by-law* or be given a more specific title, such as *By-law respecting the formation of a users' committee*. Whichever route the board decides to take, the two are of equal value. Either by-law should normally cover the following topics:

SPECIFIC TOPICS COVERED UNDER BY-LAW PASSED BY INSTITUTION
<ol style="list-style-type: none">1. Setting up the users' committee;2. Composition of the users' committee;3. Designation of members of the users' committee;4. Mandate of members of the users' committee;5. Eligibility;6. Loss of capacity;7. Replacement to fill a vacancy.

To establish and maintain a climate of trust between the management of the institution and the users' committee in order to meet users' needs as much as possible, any by-law passed by the board of directors on any of these topics should be the result of consultation with the users' committee or with delegates⁵ chosen by the users. The consultation process helps administrators and management representatives to become more sensitive to the role of the committee and to exchange views on what the committee needs, as well as helping committee members to understand the role of the board of directors of the institution and its managers. The by-law then provides an adapted response to their expectations. Our proposed internal by-law states that the board of directors is required to follow a consultation process.⁶

2.1 Obligatory Formation of Committee

Users' committees are obligatory for **all** institutions that operate a residential and long-term care centre (RLCC) with 20 beds or more, rehabilitation centre (RC), psychiatric hospital centre (PHC), or child and youth protection centre (CYPC).

⁵ We suggest that for institutions where there is no existing users' committee, delegates be named by the users, with a mandate to represent users' interests while the committee is being set up.

⁶ See Appendix A for sections 149 and following sections on the users' committee from the *Regulation respecting the internal management of institutions*, which was published last December and sent to institutions in the Affaires juridiques [Legal affairs] newsletter 1992-27 (1992-12-06).

There is a users' committee for each institution. This means that a group of three institutions may be required to set up as many as three users' committees depending on the centres it operates, but cannot decide, like professional councils⁷, to set up a single users' committee for the group of institutions:

EXAMPLE OF GROUPING OF INSTITUTIONS UNDER A SINGLE BOARD OF DIRECTORS	
<p style="text-align: center;">GROUP OF 3 INSTITUTIONS</p> <p>Each institution operates:</p> <p>1st 1 CHSLD, 20 or + beds 2nd 1 CHSLD, 20 or + beds 3rd 1 CHSLD, fewer than 20 beds</p> <p>ONE users' committee is obligatory for each of institutions 1 and 2; for institution 3, it's optional.</p>	<p style="text-align: center;">GROUP OF 2 INSTITUTIONS</p> <p>Each institution operates:</p> <p>1st 1 CHSLD, 20 or + beds AND 1 CHSGS 2nd 1 CHSLD, fewer than 20 beds</p> <p>ONE users' committee is obligatory for institution 1. However, its mandate may be limited to the RLCC. Institution 2 is not required to set up a users' committee.</p>

CHSLD 20 or + beds: residential and long-term care centre with 20 or more beds.
 CHSLD with fewer than 20 beds: residential and long-term care centre with fewer than 20 beds.
 CHSGS: general and specialized hospital centre.

On the other hand, users' committees set up within a group of institutions could work together, pooling their human, material and financial resources, and benefiting from shared initiatives and activities. In that case, the **following conditions** should be met:

1. Each committee is **composed as stipulated under the Act** and the internal by-law
 (at least five members elected by the users of the institution, **not** by all users in the group of institutions)
2. Each committee adopts its own **operating rules**
 (the rules may be similar, but should be adapted to the specific needs of each committee)
3. Each committee submits an **annual report** to the board of directors
 (Annual reports may also be similar, but should reflect the separate activities of the users' committee for each institution; therefore, a joint report with separate sections for each committee would be acceptable)
4. Each committee has the right to use a special **room** for their activities
 (although they may decide not to exercise that right)

⁷ CPDP: Council of Physicians, Dentists and Pharmacists; CN: Council of Nurses; MC: Multidisciplinary Council.

(The same room may be designated by the executive director of the group for use by all the committees, with their approval; otherwise, one room for each institution is the rule).

2.2 Optional Formation of Committee

For institutions that operate a residential and long-term care centre (CHSLD) with fewer than 20 beds, a general and specialized hospital centre (CHSGS), or a local community service centre (CLSC), the decision to set up a users' committee is optional.

The fact that the creation of a Users' Committee is optional does not prevent an institution from setting one up with the co-operation of service users. On the contrary, unless it appears to be unrealistic or impossible to set up a committee because the limited number interested persons (fewer than five) this is a desirable step to take.

Notwithstanding the optional nature of the formation of a users' committee, the institution must set up a committee if a verbal or written request to do so is submitted by at least three users⁸ or their legal representatives with the support of at least two others. This respects the spirit of the Act, which is designed to encourage users to participate and support assistance and accompaniment measures.

At the request of any user who shows an interest in setting up a users' committee at an institution, the management of the institution should facilitate the process in order to interest other users.

⁸ Since the committee is to be composed of at least five members, at least three of whom must be users.

Chapter 3

Composition of Users' Committee



3.1 Number of Members

The composition of the users' committee may vary from institution to institution. However, the basic profile is the same:

BASIC PROFILE OF USERS' COMMITTEE	
1.	At least five (5) members elected by all users;
2.	The balance should lean to a majority of users on the committee. If that is not possible, users may elect another member of their choice provided that the person does not work or practice at the institution;
3.	Equitable representation of the centres or facilities ⁹ .

Other members may be added to the basic committee, in which case it would be a good idea to consider the advantages and disadvantages of making such additions. In some cases, the additions may improve or enrich the work and activities carried on at the centre, while in others the opposite may prove to be true. These are local considerations, which should be resolved discreetly by representatives of users and institutional representatives.

It is up to the institution's board of directors to decide upon the composition of the users' committee, since the Act stipulates that "Each institution shall... set up a committee for the users of those centres..."¹⁰. As previously noted, however, this does not in any way diminish the importance of consulting the committee and bearing members' observations

⁹ Such equitable representation is **obligatory** for institutions that operate more than one centre (CLSCs, hospitals, RLCCs or RCs) or use several facilities for the same centre (e.g. buildings) (last paragraph of section 209 of the Act).

¹⁰ First paragraph of section 209 of the Act.

in mind (or the observations of users' delegates, if there is no committee), since users' committees are set up first and foremost for the benefit of users.

The setting up and composition of the users' committee may be described in the following terms:

EXTRACT FROM INTERNAL BY-LAW
<p>Composition</p> <p>The users' committee shall be set up under the terms of this by-law. It is composed of five (5) persons elected by the users of the institution. The majority of members should be users. However, if it is not possible to have a majority of users on the committee, the users may elect another member of their choice provided that the person does not work or practice at one of the centres operated by the institution.</p>

In a case where, given the number of users, their physical and cognitive capacities, and the interest shown by their representatives, it is difficult to arouse much interest in the users' committee, it is not recommended that the number of members on the committee be increased unduly beyond the five members required by law.

3.2 Designation of Members

Members of the users' committee are designated by election, i.e. universal suffrage, with the pool of voters consisting of **all** users of the institution. Although the board of directors may decide what constitutes equitable representation for the centres or facilities operated by the institution under the last paragraph of section 209 of the Act, it may not restrict the pool of voters for members of the users' committee to users of a centre or facility, since to do so would be contrary to both the spirit and the letter of the Act:

EXTRACT FROM INTERNAL-LAW
<p>Designation of members</p> <p>An institution's users' committee is composed of the following persons, who become members of the committee as soon as they are elected:</p> <ol style="list-style-type: none">1. at least two persons representing users of facility X;2. at least one person representing users of the day centre;3. two other persons.

The Act does address the specific problem of a multi-vocational institution that does not wish to set up a users' committee for all of its service centres:

PROBLEM	
EXAMPLE 1	EXAMPLE 2
An institution that operates both an RC and a CLSC sets up an <u>RC users' committee</u>	An institution that operates both an RLCC and a GSHC sets up an <u>RLCC users' committee</u>
At least 5 members are elected by users of the RC and the CLSC.	At least 5 members are elected by users of the RLCC and the GSHC.

According to the wording used in the Act, the members elected to the users' committee for the rehabilitation centre or residential and long-term care centre should be elected by ALL the users of the **institution**, which includes all users of a CLSC or GSHC.

The users' committee is supposed to represent the entire institution. The Act specifically states that the composition of the committee must be representative. Generally speaking, users' committees are set up in hospitals because of the number of long-term beds (more than 20 beds). Members of these committees are elected by all users of the institution, not just those who occupy long-term care beds. Their mandate covers all activities carried on by the institution.

3.3 Qualifications of Members

Members' of a users' committee are first and foremost users. However, the Act does allow for the participation of members who are not necessarily users. They are generally people who have demonstrated a certain interest in the activities of the users' committee, e.g. family members, volunteers, etc. The following table lists qualifications that could be required of candidates to serve on the users' committee:

QUALIFICATIONS THAT COULD BE REQUIRED OF CANDIDATES FOR USERS' COMMITTEE
<ol style="list-style-type: none"> 1. Should be a user or a user's representative; 2. Should be someone who represents a centre, facility or department, when such representation is required by a by-law passed by the institution's Board of directors; 3. Should be chosen by the users; 4. Should not work or practice in a centre operated by the institution; 5. Should not in any case be under curatorship.

Along with these basic qualifications, the users' committee may encourage¹¹ potential candidates to meet other criteria with the goal of ensuring valid, constant and sufficient participation. We urge users' committees to formulate such criteria to support the presentation of candidates who are likely to make a valuable contribution to users overall, and to discourage, before they put their names forward, certain candidates who are under-estimating the demands of participation or over-estimating their own abilities. These criteria are variable, and depend largely on the clientele served by the institution. The committee will probably hope to find members who:

- have shown their interest in the committee by participating in a volunteer capacity or explaining how they see their expectations and their contribution;
- have received services at the institution for at least some time;
- are available, based on the anticipated schedule of committee activities;
- are able to read and write, mobile or able to communicate, on their own or with assistance.

This encouragement to meet other qualifications should be offered before candidates put their names forward, and may be organized by members of the users' committee. First of all, it is important to spell out what qualities are desired from committee members (this could be done with the help of users, for example by taking a survey), then circulate the list of criteria to users (by holding an informal meeting, printing brochures, issuing a press release or writing a newsletter article).

The following sub-sections provide further details on the basic qualifications that could be required of a candidate for the users' committee.

3.3.1 Users or Their Representatives

Attempts should be made to have a majority of the positions on the users' committee filled by users or their representatives. If the minimum is five members, that means at least three of the five should be users or their representatives.

¹¹ In legal terms, we doubt that the users' committee could force a candidate to withdraw his or her candidacy because he or she does not meet additional qualification criteria set by the committee. Rather, we believe that it is up to the voters to express their will by exercising their right to vote, since the right to stand as a candidate is accorded by law to **everyone**, subject to three conditions: users or their representatives must be in the majority; candidates may not be under curatorship; and composition must ensure equitable representation of users in an institution that operates more than one centre or facility.

DESIRED PROPORTION OF USERS OR THEIR REPRESENTATIVES ON USERS' COMMITTEES	
Number of committee members	Desired number of users
5	3
6	4
7	4
8	5
9	5
10	6

However, it is not always possible to have a majority of users or their representatives on the users' committee. In that case, users may elect any other person of their choice, as long as they: **1.) are not a salaried employee of the institution (e.g. unit head, nurse, clerk)** or **2.) do not practice their profession at the institution (e.g. physician)**. Users at an institution make their choice in the same way as voters in an electoral district (riding), who may choose someone who does not live in the riding to serve as their member of the national assembly.

In calculating the desired majority of users on the committee, any representative who comes forward on behalf of a user should be considered a "user" since that person is representing the user, rather than being considered a "non-user." Under section 12 of the Act, representatives may exercise the rights of a user they represent¹². Therefore, if a user is unable, due to disability, to participate as a voter or as a member of the users' committee, the users' representatives may do so on his or her behalf.

For example, the users' committee of an institution that operates a rehabilitation centre for the intellectually handicapped could be composed entirely of representatives for those users, since they would be representing them as "users," as none of the users would be able to make a contribution to the committee.

Users

It is essential to describe the status of the "user" in order to follow the procedure for elections, i.e.:

1. accepting or rejecting candidates (users); and
2. compiling a list of user-voters (pool of voters).

¹² Depending on the circumstances and subject to the priorities provided for in the Civil Code of Lower Canada.

General definition of user

Since the Act fails to provide a definition for the term “user,” for our purposes in this guide we will use the term in its usual sense as defined by Me Patrick Molinari (2000-2001: page 189): ...a person who receives services from the institution.”

This means an ordinary citizen who is registered with an institution (as an outpatient) or admitted to the institution (as an inpatient). The term also covers anyone who receives services from an intermediate resource¹³ (e.g. a pavilion, group home or other such similar resource) or a family-type resource (e.g. foster family or foster home) that is attached to the institution:

[Translation]

“A user who receives services from an intermediate resource remains a user of the institution that provides services through that resource. In this regard, the user enjoys the same rights accorded to him or her by law, as well as the same forms of recourse, not only against the intermediate resource but also against the institution to which the resource is attached, since the institution is discharging its obligations under the law by means of the resource.” (Molinari; 2000-2001, page 266)

More precise definition of users

However, the only general definition we have of the “person who receives services from the institution” is rather imprecise, which does pose some problems. What about the frequency, nature or continuity of such services? We therefore suggest defining the “status” of the user without going overboard in terms of precision and ruling anything out unjustifiably.

We believe that the representatives of the institution and the users’ committee are interested parties, in such a definition of terms, since on both sides, they are required to make decisions that involve the “status” of the user. It is therefore to their mutual benefit to exchange their respective points of view.

To facilitate the discussion and avoid having to start again from scratch, we feel it is reasonable to state the following **initial hypothesis**.

<p style="text-align: center;">SUGGESTED HYPOTHESIS FOR DISCUSSIONS ON USERS’ STATUS</p>

<p>“For the purposes of participating in elections for the users’ committee, the status of user is accorded to anyone to whom the institution or an attached intermediate resource has provided or is currently providing health care or social services and whose documents remain in current use.”</p>

¹³ Section 302 of the Act: "Every resource attached to a public institution through which the institution provides lodging and support or assistance services to a user, according to his needs, with a view to maintaining or integrating him into the community is an intermediate resource." (*our emphasis*)

The *Organization and Management of Institutions Regulation*¹⁴ requires institutions that operate an RC or an RLCC to keep files on each user who receives services from the institution. The hypothesis stated above goes back to the definition and retention schedule for keeping an “active document” on a user. Section 2 of the *Archives Act* defines an “active document” as a “document in current use for administrative or legal purposes” and the institution’s retention schedule¹⁵ determines how long the document will be retained, using code 888, which means “pending outcome.” In addition, the *Archives Act* directs institutions to establish their own policy for retaining active documents¹⁶. This means that in fact, each institution’s management policy for active documents clarifies the concept of “active document” by spelling out the criteria for active documents becoming semi-active or inactive.

As a result, the status of user may vary from institution to institution, which we feel is plausible, acceptable and not at all unreasonable. The needs of users, which can change according to the services required and the mission of the service centre involved, are therefore taken into account. For example, the frequency, nature and continuity of services may differ depending on whether the services are provided by a rehabilitation centre to persons with alcoholism or other addiction problems or by a residential and long-term care centre to the frail elderly, which may lead to a different definition of the concept of “active document,” and therefore a different definition of “user.”

Each institution may therefore pass a by-law covering the election of members of the users’ committee, after consulting the committee and establishing a reasonable definition of the user that reflects the usual meaning of the term and also the concept of “active document” as spelled out in the institution’s management policy for active documents:

EXTRACT FROM INTERNAL BY-LAW

In this by-law, unless other indicated by the context, the following terms or expressions have the following meanings:

“user”: a person to whom the institution or an attached intermediate resources has provided or is currently providing health care or social services and whose documents remain in active use.

¹⁴ Section 50 of the *Organization and Management of Institutions Regulation* established by Order in Council 1320-84, (1984) 116 G.O. II, 2745. This regulation remains in force until it is replaced and as long as it is not incompatible with the new Act (section 619.41 of the Act respecting health services and social services).

¹⁵ Every institution is obliged to establish and keep up to date a retention schedule determining the periods of use and medium of retention of its active and semi-active documents and indicating which inactive documents are to be preserved permanently, and which are to be disposed of (section 7 of the *Archives Act, R.S.Q., Chapter A-21.1*. The general rule for preserving “patients’ files” is as follows: active: 888 (pending outcome); semi-active 5 years (no new documents or notes added to file) and "inactive": E - sampling by preserving a percentage of files and destroying the rest).

¹⁶ Section 6 of the Archives Act:

"The public bodies referred to in paragraphs 4 to 7 of the schedule shall adopt a management policy for their active and semi-active documents.

“The Keeper may advise them on the matter.”

Paragraph 7 of the Schedule: public health or social service institutions...

To avoid any possible confusion or divergence of interpretation, we strongly recommend that users' committees employ the agreed-upon definition in their operating rules.

Finally, it should be noted that the capacity of "user" may be lost during the mandate, leading to a vacancy on the users' committee. We suggest that the vacancy not be acknowledged (unless the person resigns) unless there is no longer a majority of users on the committee. This will only occur on committees with a mixed composition of users and others:

EXTRACT FROM INTERNAL BY-LAW

Loss of capacity

A person ceases to be a member of the users' committee when he or she loses the capacity in which he or she was elected. However, the capacity of user is not essential to complete a mandate as long as there remains a majority of users on the committee.

User's representative

The direct participation of users is to be encouraged. However, representation may be required should the user have lost his or her cognitive abilities or be too young. Section 12 of the Act stipulates that the user's representative is entitled to exercise all of the user's rights under the Act. Under section 209, the user is entitled to stand as a candidate or vote for members of the users' committee. This leads to the conclusion that a user's representative¹⁷ may, on behalf of the user, exercise the following rights in the process of setting up a users' committee:

RIGHT EXERCISED BY USER'S REPRESENTATIVE ON BEHALF OF USER

1. The right to stand as a candidate for the users' committee;
2. The right to vote at users' meetings to elect members of the users' committee.

Representation is not obligatory and should not prevent users from exercising their rights on their own.

Representation is not obligatory

The participation of the user is not necessarily set aside simply because there is a representative. This was certainly not the will of the legislator, who excluded only those

¹⁷ Under the circumstances and subject to the priorities provided for in the Civil Code of Lower Canada.

who are under curatorship (section 210 of the Act). On the contrary, direct user participation is strongly advised. Users who are represented by a tutor, young persons (up to age 17) with adjustment problems, or those with mild intellectual handicaps are not necessarily excluded from serving on the users' committee. They are encouraged to participate, as long as their participation is valuable (e.g. children under 14 cannot serve on committee). Users with representatives have the right to stand as candidates and the right to vote; once elected to the committee, they are full-fledged committee members.

Users' representatives, like users, are free to participate in elections for users' committees or not, as they choose. They are not required to do so. Similarly, they may not prevent the user they represent from personally exercising those rights.

Persons who act as representatives may stand as candidates even if the user they represent is also standing for election. This situation automatically creates a mixed committee composed of users and non users. In this case, the person participates in his or her own name, rather than on behalf of the user. The following example shows what happens in such a case:

EXAMPLE
<p>Number of members on institution's users' committee: 5</p> <p>A young adult with an intellectual handicap wants to stand for election. So does his mother. The young man would count as one of the majority of users on the committee (at least 3), while his mother would be considered not as a representative for the user, but a separate interested party who wants to join the committee. She would therefore be calculated as one of the minority on the committee (maximum of two members).</p>

Finally, a user may decide to be a member of the committee, but may also want his or her representative to be present. In this case, the user is involved personally, although assisted by his or her representative. The person acting as representative does not have the right to vote, since it is not the representative who has been elected member of the committee but the user he assists.

Incapacitated persons of full age

An incapacitated person of full age may or may not be represented officially.

Official representation would come under a protection plan instituted by the court, meaning that the judgment of tutorship or curatorship establishes the status and capacity of the representative. **Tutorship** is instituted by the court if it is established that the incapacity of the person to care for him or herself or administer his or her property is partial or temporary and the person needs to be represented in the exercise of his or her civil rights (section 334 of the Civil Code of Lower Canada). **Curatorship** is instituted by the court if it is established that the incapacity of that person of full age to care for him

or herself or administer his or her property is total and permanent and the person needs to be represented in the exercise of his or her civil rights (section 333 of the Civil Code of Lower Canada).

Private tutor or curator

A private tutor, if so authorized by court judgement (tutorship), and a private curator may act as the user's uncontested representative in voting in elections for members of the users' committee. Presentation of the judgement of tutorship or curatorship is sufficient to answer for their status.

Public curator

When acting as curator to a protected person of full age, the public curator may delegate the exercise of certain functions related to curatorship under section 16 of the *Public Curator's Act*¹⁸ or section 331.2 of the *Civil Code of Lower Canada*. Since we seriously doubt whether the public curator will delegate a person to represent a user under curatorship for the purpose of voting for the users' committee, the person who is most likely to represent the user is the person who holds a mandate given by a person of full age in anticipation of his or her incapacity, a spouse, close relation or someone with a special interest.

Mandatary

The term "mandatary" refers to a person who is authorized by a mandate from an incapacitated person of full age given in anticipation of his or her incapacity. To be valid, the mandate must include protection for the person, be subordinate to the occurrence of the user's incapacity and be homologated by the court (sections 1731.1 and 1731.3 of the Civil Code of Lower Canada).

Spouse

The term "spouse" should be understood in its current meaning, which includes a person who is publicly represented as the user's spouse although they are not actually married. The status of spouse should be acknowledged for anyone who is able to show that his or her relationship with the user meets the criteria for marital life or cohabitation set forth in social legislation in Quebec. Several Quebec laws recognize the broader concept of "spouse"¹⁹. According to these definitions, the spouses must have cohabitated or lived in a marital relationship for at least three years, or one year if a child has been born of their union. Since June 1999, the concept of spouse has included same-sex spouses²⁰. These aspects should be considered by the poll captain, who will have to decide whether the person may stand as a candidate or vote in an election.

¹⁸R.S.Q., Chapter C-81.

¹⁹ Section 2 of the *Act respecting income security* (R.S.Q., Chapter S-3.1.1), sections 91 and 91.1 of the *Act respecting the Quebec Pension Plan* (R.S.Q., Chapter R-9), section 1 f.1 of the *Regulation respecting the application of the Hospital Insurance Act*, etc.

²⁰ *Act to amend various legislative provisions respecting de-facto spouses* (Draft bill 32, 1999, Chapter 14).

Close relative

“Close relative” is understood to mean a member of the user’s family circle who is related to the user as a direct ascendant (father, mother, grandparents, etc.), a direct descendant (child, grand-child, etc.), or by the collateral line (relatives who are descended from a common ancestor but not from one another: brother, sister, half-brother, half-sister, cousin, uncle, aunt, nephew, niece).

Person with a special interest

Finally, a person who shows a special interest in the user may act as a representative. Assessing such interest is a delicate matter best left to the discretion of the poll captain, who should make some inquiries into the nature of the relationship between the person and the user.

Choosing a representative for a person of full age

Representation, in the meaning of section 12 of the Act, is exercised according to the circumstances and priorities provided for in the Civil Code of Lower Canada. Section 19.2 of the Code sets forth priorities regarding consent to treatment. These priorities are useful when we consider how to choose the user’s representative for the purposes of setting up a users’ committee:

REPRESENTATION OF INCAPACITATED USERS OF FULL AGE
In choosing a representative for a person of full age, the order of priority is as follows: <ol style="list-style-type: none">1. Mandatary2. Tutor or curator3. Legally married spouse4. Close relative5. Person who can prove a special interest in the user of full age (de-facto spouse or friend)

Minors

A minor is a person under the age of 18. There are young people at many rehabilitation centres: youth with adjustment problems, mothers with adjustment problems, intellectually handicapped youth or those with alcoholism or other addiction problems. Under the Québec Civil Code, minors remain under parental authority until they reach the age of majority or are emancipated. A person under the age of 18 who is married is considered to be emancipated and has the status of that of an adult.

Parents

A father or mother (unless they have been stripped of their parental authority under the terms of a legal judgment) may represent their child on a users' committee. However, it is recommended that whenever possible, that young users make their own arrangements

with the help of the executive director or the person designated responsible for the operation of the users' committee in the institution.

Guardians

A child may also be represented by a private tutor duly designated by the court. The tutor has the right to stand as a candidate or vote at users' meetings on behalf of the child he or she represents.

Choosing representative for a minor

The process of choosing a representative for a minor is similar to choosing a representative for a person of full age:

REPRESENTATION OF MINORS	
In choosing a representative for a minor, the order of priority is as follows:	
1.	Legally married spouse
2.	Mother, father or guardian
3.	Close relative
4.	Person with a special interest in the minor (de facto spouse or friend)

3.3.2 Representatives of Centres or Facilities

The Act takes great care to ensure equitable representation for centres or facilities operated by an institution. Such representation is obligatory in cases where an institution that is required to set up a users' committee operates several centres (e.g. RC, CLSC, or RLCC-GSHC) or where there are several facilities (e.g. three buildings or pavilions) in the same centre.

ILLUSTRATION: SERVICE CENTRES AND FACILITIES	
Service centre²¹	Facilities²²
CLSC	Building
Hospital	Part of building
CYPC	Different street addresses
RLCC	Pavilion
RC	Residence
	Point of service

²¹ Section 79 of the Act.

²² See sections 80 to 84 for a description of the mission of each type of service centre, e.g. "83. The mission of a [RLCC] is...To that end, every institution which operates such a centre shall...ensure that the required services are offered within **its facilities**". (*our emphasis*)

An institution may operate one or more service centres, and a service centre may carry out its mission at one or more facilities.

The number of facilities or number of users is often considered one of the aspects to be considered in establishing a fair and equitable proportion of committee members. A facility is not necessarily equivalent to a position on the committee, just as a “small” facility is not automatically excluded from representation, since other aspects may also be considered in arriving at “equitable representation,” such as the distance of the facility or particular features of the clientele served.

Any discussion on representation of centres or facilities should always involve a round-table meeting between representatives of the users’ committee and representatives of the institution. Otherwise, any institution that made a unilateral decision on such representation would leave itself open to criticism.

Ideally, the person who would like to represent a centre or facility should be receiving services from that centre or facility. Nevertheless, it is permissible to accept the participation of an interested person, such as a volunteer, on condition that attempts have been made to maintain a majority of users on the committee.

Subject to contrary opinion, the obligation to set up a users’ committee is spelled out in paragraphs 1 and 2 of section 209, while the last paragraph covers the obligation to ensure equitable representation for each centre or facility. It seems clear to us that where an institution is not obliged to set up a users’ committee, it cannot then be obliged to ensure equitable representation of that centre or facility. The matter is not closed, however, as there are many divergent opinions on the subject.

3.3.3 Non-users

The participation of a person who is neither a user nor a user’s representative automatically results in the creation of a mixed committee – i.e. a committee composed of both users and non-users. Generally, those with the greatest interest in participating in users’ committee activities are members of the user’s family, volunteers or the user’s legal representative, if the user is standing for election.

The legislator did not consider it pertinent to establish any qualifications, beyond excluding those under curatorship. We therefore encourage users’ committees to be prudent in this regard, but also to set criteria designed solely to dissuade those who are not really in a position to assume such duties. See the second paragraph of section 3.3 above for further details on such criteria. .

3.3.4 Not Under Curatorship

No person who is under curatorship may be a member of a users’ committee (section 210 of the Act). However, during an election for members of the users’ committee, a

representative of a person of full age who is under curatorship may stand for election and vote, on behalf of the user.

When the court institutes curatorship for a member of the users' committee, the position is immediately vacated.

3.3.5 Not Working or Practicing at the Institution

Since it was the desire of the legislator to ensure that members of users' committees enjoy a certain independence from the authorities who run the institution, it is prohibited to ask anyone who works at the institution or is paid professional fees by the institution to fill positions on the committee (section 209 of the Act).

3.4 Duration of Mandate for Committee Members

The duration of users' committee members' mandates should be spelled out in a by-law passed by the board of directors for the institution.

The characteristics of the clientele are among the most important aspects to be considered in deciding upon the duration of the mandate:

ASPECTS TO BE CONSIDERED IN DETERMINING LENGTH OF MANDATE
<p style="text-align: center;">Characteristics of clientele</p> <ol style="list-style-type: none">1. Age2. Physical and mental condition3. Average length of stay4. Availability <p>Further considerations: Synchronization with election or appointment of users' committee representatives to board of directors for the institution (every three years).</p>

The mandate may range from one to three years. Less than one year is too short to get members really involved, and more than three years could leave the committee in sore need of fresh blood. The board of directors may also provide for elections on a fixed date to synchronize with board elections.

EXTRACT FROM INTERNAL BY-LAW

Mandate

The board of directors determines the mandate of users' committee members after consulting the users' committee.

Members of the users' committee for this institution will serve a three-year mandate.

However, members will remain in office after their mandate has expired until they are re-elected or replaced.

3.5 Filling Vacancies

Should a member of the users' committee resign in mid-mandate, an election will be held to replace the member. If the institution provided for the election of alternates in the previous election, the alternate who received the highest number of votes will be invited to fill the vacancy for the rest of the mandate. Should there be no alternates, the institution will fill the vacancy by electing a new member. If five members remain on the committee after the member resigns, the institution may decide not to fill the vacancy.

The appointment of replacements by members of the users' committee goes against the spirit of the Act, which clearly stipulates that members of the users' committee are elected by all the users of the institution. There is no provision in the Act for replacing members who have resigned through the appointment of new members.

In the case of an institution that is obliged to set up a users' committee but has, for various reasons, found it impossible to get five members elected to the users' committee or keep them on the committee, the appointment of members may prove to be the only way to ensure the existence of the committee.

Chapter 4

Responsibilities



4.1 Board of Directors

The board of directors is responsible for ensuring that the users' committee is properly set up, that the services provided are of sufficient quality, and that users' rights are respected.²³

RESPONSIBILITIES OF BOARD OF DIRECTORS

1. Setting up the users' **committee** (if obligatory or requested by at least two users) (section 209 of the Act);
2. Allocating a special **budget** for that purpose in its operating budget (section 209 of the Act);
3. Ensuring the **quality** of the services offered (1st paragraph of section 172 of the Act);
4. Ensuring **respect** for users' rights and prompt **processing** of users' complaints (2nd paragraph of section 172 of the Act);
5. Ensuring that all **recommendations or suggestions** made by the users' committee on the following subjects are duly examined:
 - Users' rights and obligations
 - Improving users' quality of life
 - Users' satisfaction with services provided by the institution
 - Complaints made by users.
6. Receiving the **annual report** submitted by the users' committee (section 212 of the Act).

4.2 Executive Director

The responsibilities of the executive director are as described in section 211 of the Act :

²³ Sections 172 and 209 of the Act.

RESPONSIBILITIES OF EXECUTIVE DIRECTOR

1. Fostering the **proper functioning** of the committee;
2. Making a **room** available for the committee to use;
3. Making it possible for the committee's records to be kept **confidential**;
4. **Notifying** all users (inpatients and outpatients alike) in writing that there is a users' committee.

Fostering the **proper functioning** of the committee means showing a spirit of openness and cooperation and encouraging, supporting or lending assistance as needed. This includes circulating any information considered to be relevant and related to the functions carried out by the committee.

Making a **room** available to the committee so that records can be kept confidential is intended to make it easier for the committee to conduct activities by providing a physical space²⁴ and giving the committee concrete means to prevent any attempts to breach the confidentiality of records and archives.

Notifying all users in writing that there is a users' committee means providing information on the committee in the most appropriate form so that people know how to contact the committee. The ideal way to do this would probably be to include contact information for the users' committee in the final provisions of the institution's code of ethics (e.g. room number and telephone number).

4.3 The Regional Board

In the framework of the regional board's functions regarding the public and users' rights, the Board ensures that mechanisms for public participation provided for in the Act, such as setting up users' committees, are implemented (section 343 of the Act). It also supervises the election and appointment of members of boards of directors, and sees that due procedure for the processing of complaints is followed. The Minister consults the board regarding the designation of community organizations with a mandate to assist and accompany, on request, users wishing to file a complaint (section 54 of the Act).

The board also assesses the effectiveness of services and users' satisfaction levels (section 346 of the Act) and ensures that the special budget for the users' committee is allocated by the institution and that the rules for the budget are followed.

²⁴ Ideally, the users' committee will be the sole occupant of the room. If not, it may be convenient to use a room intended for other purposes, as long as records can be kept in a confidential manner, the room is arranged in an acceptable way, and the schedule is determined ahead of time and does not interfere with or limit committee activities.

4.4 The Minister

The Minister plays a twofold role, with responsibilities for financial resources and for designating an organization to assist and accompany users at the regional level.

The users' committee must have a special budget set aside for that purpose in the institution's operating budget. With rare exceptions, the budget set for users' committee activities is **\$5,000**, with an additional 10% for each secondary facility. In recent years, such amounts have been indexed. For psychiatric institutions, the basic amount is set at .001% of the overall budget.

After consultations with the regional boards, users' committees, institutions and interested associations, the Minister designates one or more community organizations in each region to assist and accompany users who wish to file a complaint (section 54 of the Act).

Chapter 5

Steps in Setting Up the Users' Committee



5.1 Steps in the Process

The “**beneficiaries’ committees**” that existed prior to the reform of 1991 made way for the “**users’ committees**” set up under the new provisions of the Act.

From October 1992 onward, institutions for which it was now obligatory to set up a committee were required to take steps to set up such a committee in a straightforward manner by April of the following year.

Users’ committees formed since 1992 under the provisions of the Act are recognized as such. They are therefore required to assume their official functions, establish operating rules and submit an annual report to the board of directors.

There is nothing particularly complicated about setting up a users’ committee. The process involves three phases: before, during and after the election.

In the **first phase**, representatives of users and representatives from the institution discuss setting up the users’ committee, the composition of the committee (number and categories of members), and the electoral process. We feel that one to two months is a realistic time period for getting ready and organizing an initial election.

PHASE 1 – PREPARING FOR ELECTION

1. Users or their representatives hold a **meeting** to designate their delegates for setting up users' committee.
2. Board of directors or executive director **designates** a committee or person to be in charge of setting up users' committee.
3. Representatives **discuss**:
 - Setting up users' committee (where it is optional, not obligatory);
 - Number and category of members of users' committee;
 - Election procedure: naming of poll captain, election notice, call for candidates, voting, counting of votes.
4. Board of directors passes **by-law** adopting sections of the Act on users' committee and procedure for first election.

The **second phase** focuses on the election for members of the users' committee. The election should be held according to agreed-upon procedures, which may include holding a general meeting of all users of the institution, or their representatives if they are unable to express their wishes.

If a general meeting is held, notice of the meeting is sent to users and their representatives, as appropriate. If another form of election is to be held, means of communicating with the users of the institution will need to be adapted accordingly. In any event, the cooperation of management is essential.

To ensure that committee members are elected in a confidential manner, a secret ballot is strongly recommended.

PHASE II – ELECTION

1. If there are **fewer candidates** than positions to be filled, the users' committee cannot be formed;
2. If the number of **candidates** is **equal** to the number of positions to be filled, the committee members are elected by acclamation;
3. If there are **more candidates** than positions to be filled, an election must be held;
4. **At least five members** are elected by all users, preferably with **users in the majority**;
5. Two or three **alternates** should be elected so that there is a back-up system in the event of a vacancy.

Note that we suggest that **alternates** be elected to the users' committee. This suggestion is not based on any legal obligation, but is designed to make it easier to find a

replacement in the event of a vacancy. The number of alternates is an arbitrary choice and depends mainly on how great a risk there is of vacancies occurring on the committee.

Those who are designated as alternates should ideally meet the same criteria as the person they are replacing. It is recommended that the top three alternates be those who received the highest number of votes, although every effort should be made to respect the rule of having a majority of users on the committee.

Finally, the **third phase** in setting up the users' committee involves internal management and getting the committee up and running: appointing an executive, establishing operating rules, drawing up a schedule of activities, and drafting a budget.

PHASE III – POST-ELECTION
<ol style="list-style-type: none">1. Appointing executive for users' committee, including chairman, vice-chairman and secretary-treasurer;2. Establishing operating rules for the committee;3. Schedule of activities;4. Draft budget.

5.2 Executive

It is a good idea for the members of the users' committee to choose an executive at the first meeting after the election. Those named to executive positions should be members who were elected by the users. We suggest an executive of three: chairman, vice-chairman and secretary-treasurer.

Executive members should be available as much as possible and realize that they are in a position of responsibility, since they will have duties similar to those carried out by other leaders, such as a coordinator, moderator or administrator.

The chairman coordinates all committee activities, chairs meetings and generally takes care of operations. He or she is the official representative of the committee.

The vice-chairman fills in when the chairman is absent or temporarily unable to act. He or she may also assume any other function. The secretary-treasurer serves as both secretary and treasurer for the users' committee. The secretary's job involves calling meetings, taking minutes and making sure that the committee archives are properly stored and maintained. The treasurer's job involves preparing the budget and making sure that spending falls within the budgeted limits. The secretary-treasurer's job may be divided between two people, with one performing the duties of secretary and the other performing the duties of treasurer.

Since alternates may be called upon to replace a committee member at some point, they should be encouraged to attend committee meetings (in a non-voting capacity) or perform particular tasks. Without being named to the committee executive, they may still be able to make a contribution or support a member of the executive.

5.3 Operating Rules

As soon as possible, or within 60²⁵ days of its formation, the users' committee should establish its operating rules²⁶. The rules are intended to facilitate users' committee activities by, for example, clearly stating how the annual meeting and committee meetings will be organized, how the chairman, vice-chairman and secretary-treasurer are appointed, how to form sub-committees, reimbursement procedures for committee members' expenses, what goes in the minutes, how committee documents and archives are to be kept, the dates of the financial year, and which members of the committee are the signing officers. The rules do not cover the composition of the users' committee (designation, mandate and qualifications), since this is spelled out by the internal by-law passed by the board of directors.

Our proposed operating rules, which appear in Appendix B, include the following sections:

OPERATING RULES FOR USERS' COMMITTEE	
1.	General provisions
2.	Assembly of users
3.	Executive and alternates
4.	Meetings
5.	Quorum and voting
6.	Formation of sub-committees
7.	Reimbursement of expenses
8.	Minutes, documents and archives
9.	Financial year and signing officers
10.	Resignations and dismissals
11.	Oath of confidentiality and discretion
12.	Final provisions

It would be useful for the operating rules to be adapted to the specific day-to-day realities of each users' committee. They are intended solely to provide some background.

In Appendices C and D to this guide, we suggest two **election procedures** that can be discussed by members of the users' committee. The first procedure applies to the initial election, and the other covers the election of the committee executive. We suggest that the board of directors adopt the first procedure (for the initial election), while the second procedure is passed by the duly elected committee members.

Although this guide does provide sample procedures, they are offered purely as suggestions; it is up to those in charge to take a position on this. Some will be glad to have a detailed procedure to follow, while others will find a few sections here and there

²⁵ In the sample internal by-law, we suggest a time limit of 60 days for the users' committee to pass its operating rules (Appendix A, section 157).

²⁶ See sections 157 to 169 of the Act for guidelines on how the committee should work.

to be sufficient. The important thing is for the procedures to fully reflect the spirit of the Act, which clearly states that all users (or their representatives) may run for the committee, except a person under curatorship; that non-users may stand for election, except for a person under curatorship, as long as there is a majority of users on the committee; and that all users of the institution have the right to vote.

5.4 Schedule of Activities

The functions of the users' committee include activities that may be planned and others that are organized in response to requests from users.. Functions related to informing users of their rights and obligations, promoting improved living conditions for users, and assessing users' level of satisfaction are easy to plan for maximum effectiveness. It would also be a good idea to draw up a schedule of activities. .

The schedule is normally discussed early in the year. The discussion covers dates set for meetings, the type and frequency of activities and who should be in charge, as needed. Year-round follow-up is essential to assessing progress in various areas and making the necessary readjustments in the light of emerging circumstances or new priorities.

5.5 Draft Budget

On April 1 of each year, the regional board informs the board of directors of each institution of the total amount of funding it will be allocated for its operating budget. Within the next 30 days, the Board is required to pass its own budget and notify the regional board that this has been done (section 285 of the Act). The users' committee's financial year should normally coincide with the financial year for the institution, which ends on March 31.

A special budget for the users' committee appears as a budget item and must be allocated as such. For various reasons, some users' committees do not spend their entire allocation. Unlike other budget items, surpluses for users' committees are not automatically taken back. In some regions, surpluses may accumulate without penalty until the amount reaches twice the annual allocation. In these regions, when the accumulated surplus reaches more than twice the amount of the annual allocation, the regional board will withdraw the subsequent grant until the accumulated funds have been exhausted.

Committee members allocate amounts in accordance with the priorities in their action plan for the year. Although committee members have autonomy in managing the funds allocated to them, they may not at any time pay themselves a salary.

5.6 Annual Report

Every year, the users' committee is required to submit an annual report to the board of directors. Upon request, the committee is also required to send a copy to the regional board (section 212 of the Act). Guidelines for putting together the annual report appear in Appendix G.

Chapter 6

Functions of Users' Committee



Users' committees are created primarily to serve as a mechanism for assisting and accompanying users of the institution. In this spirit, the committee first of all carries out its so-called "legal" functions (as spelled out in section 212 of the Act); it also has a duty to participate in electing two board members, and may also exercise any other function that is compatible with its mission.

6.1 Legal Functions

By virtue of the Act, the users' committee's functions are to inform, foster, assess, defend, accompany and assist (section 212 of the Act). Since these functions are closely linked with the organization of institutional services, working together with management promotes joint initiatives and improvements in users' quality of life.

To inform

The committee informs users of their rights and obligations. In order to do so, the committee is expected to be familiar with the Act and keep an up-to-date copy. In addition, there is the institution's **code of ethics**, to which the committee contributes - an important instrument of information on users' rights and on the practices and behaviour expected from those who work in the institution. For institutions that have decided not to include users' obligations in their code of ethics, the users' committee may undertake to work on this aspect in conjunction with the appropriate professionals.

To foster

Working closely with the management of the institution, the committee is required to foster improved living conditions for users. Since these conditions may vary greatly from one institution to the next, it is important to list them prior to discussion. The table below gives some examples of living conditions:

EXAMPLES OF USERS' LIVING CONDITIONS

1. Schedules (visits, meals, getting up and going to bed, activities, etc.)
2. Physical organization of surroundings (bedrooms, dining rooms, activity rooms, chapel, etc.)
3. People living together (may be lucid, confused, aggressive, disruptive, etc.)
4. Various services (personal hygiene, hair, laundry, pastoral services, etc.)
5. Activities (type, frequency, location, materials, equipment, etc.)
6. Food (quality, quantity, choice, etc.)

To assess

The committee's assessment function bears specifically on assessing users' level of satisfaction with the services they are receiving from the institution. This is a delicate operation by its very nature, as it is no easy matter to measure the "satisfaction" of an individual or a group of individuals. The committee may decide to draw up an assessment grid, based on previous grids that have been objectively validated by the Régie régionale de Montréal-Centre. As part of its Programme for Continuous Improvement in Service Quality and User Satisfaction, the regional board has adapted satisfaction assessment grids to respond to the expectations of users in various categories of institutions. The grids were developed jointly with about 20 institutions that served as pilot sites. A sample questionnaire on the satisfaction of residential users appears in Appendix H.

To defend

Defending the collective rights and interests of users is accomplished by making representations to the management of the institution and then, if necessary, to any other competent authority, such as the regional board. The potential influence of such representations should not be discounted in any case. For this reason, the users' committee would be well advised to prepare for this properly.

To accompany and assist

The function of accompanying and assisting users is exercised at the request of a user or his or her representative for any step the user takes, including filing a complaint. This function does not include representation of the user per se. The representation function is exercised by the individuals listed in Chapter 3. Instead, this function involves giving the user assistance, cooperation, encouragement, support and comfort. The institution's procedure for examining complaints should allow for users to be accompanied and assisted and should specifically be designed to protect anyone (plaintiff or assistant) from any form of reprisal.

6.2 Designation of Board Members

Since the adoption of the amendments to the Act²⁷ in June 2001, users' committee designates one or two persons to act as members of the board of directors for the institution. This designation is made by members of the users' committee, but not necessarily from among them. However, since the objective is to have the users' point of view represented at the board table, it is preferable for it to be a user or his or her representative who stands for this position. The *Regulation respecting procedure for the election and appointment of members of the boards of directors of public health and social service institutions*²⁸ details the procedure to be followed in this case.

In cases where there is more than one users' committee in institutions reporting to a single board of directors, the two board members are **elected** by members of all the users' committees in the institutions in question. For groups of institutions that operate CYPCs or RCs (for youth or mothers with adjustment problems), one board member is elected by the members of the users' committee for the CYPC network and another is elected by the members of the users' committees for the other institutions. As with the appointments discussed above, members of the users' committees vote for these positions, but the board members are not necessarily chosen from among them.

²⁷ Draft Bill 28 (2001, chapter 24)

²⁸ Order in Council 91-04, December 4, 1991, published in the Gazette officielle du Québec on December 18, 1991, 123rd year, no. 51, sections 28 to 33.

DESIGNATING MEMBERS TO BOARD OF DIRECTORS FOR INSTITUTION			
Section²⁹	Institution	Section³⁰	Number of persons
119	CHSLD CHSLD + CHSGS less than 50 beds	129.2	1. 2 members designated by all users' committees for the institutions;
126.1	CLSC + CHSLD and/or CHSGS less than 50 beds	131.1.2	2. Where applicable, 2 members designated by all users' committees for the institutions;
120	CRPDI	129.1.2	3. 1 members designated by all users' committees for the institutions;
121	CRPDP		
124	CRPAT		
125	CPEJ / CR		
126.2	2 CHSGS more than 50 beds	132.1.2	4. Where applicable, 1 member designated by all users' committees for the institutions;
126 ³¹	CHSGS less than 50 beds CLSC Health Centre	131.2	5. 1 members designated by the users' committee for the institutions;
126 ³²	CHSGS more than 50 beds CHSP CHSLD + CHSGS more than 50 beds	132.2	
126 ³³	University Hospital University Institute University Affiliated Centre	133.2	

The following persons cannot be members of a board of directors (section 150 of the Act):

1. Persons not resident in Quebec;
2. Minors;
3. Persons under tutorship or curatorship;
4. Persons convicted in the preceding five years of a crime punishable by three years of imprisonment or more;
5. Persons forfeited of office as members of the board of directors of an institution or a regional board in the preceding three years, pursuant to paragraph 2 of section 498 of the Act;

²⁹ Draft Bill 28 (2001, chapter 24)

³⁰ Ibid.

³¹ first paragraph.

³² second paragraph.

³³ third paragraph.

6. Persons convicted of an offence against this Act or the regulations in the preceding three years.

Persons who are named or appointed to the board by users' committees derive their mandate from the fact that they have been chosen by the members. If a member of a users' committee who was chosen in this way ceases to be a member of the users' committee during his or her mandate on the board, he or she does not lose the necessary capacities to terminate the mandate. The users' committee cannot decide to replace in mid-mandate a person or persons they have chosen to sit as a member of the board of directors.

6.3 Use of Funding

As part of its mandate, the users' committee has autonomy in the management of its budget. It is up to the members of the committee to decide how to use the money they have been given. The ministry decides on the amount allocated each year. Generally speaking, the basic amount is \$5,000 for each institution, with an additional 10% for each secondary facility. In recent years, the grant for the users' committee has been indexed along with the indexation of the global budget for the institution. In the case of psychiatric institutions, the budget is set at .001% of the budget for the institution. For public and private unionized institutions, the budget for users' committees is paid by the regional board from the institution's operating budget. For private non-unionized institutions, the grant is paid directly by the ministry at the recommendation of the regional board.

In their annual action plan, the members of the users' committee set priorities for action and plan their draft budget. They are expected to allocate their resources in line with this planning exercise. The list of possible expenses below, with notes showing which are the responsibility of the users' committee, should prove useful (*Des réponses à vos questions*³⁴ pages 24, 25 and 26). As previously mentioned, members of users' committees may not pay themselves a salary or professional fees.

6.4 Other Functions

Apart from its legal functions and the obligation to appoint or elect two members to the board of directors, the users' committee, while carrying out its responsibility to assist and accompany users, may exercise any other function deemed to be compatible with its mission: opening a consultation service, organizing training or information activities (with speakers such as professors, specialists, lawyers, notaries, judges, etc.) on any subject that is likely to be of interest to users (AIDS, prevention, social integration, the labour market, aging, mandates in anticipation of incapacity, etc.) All these activities may be organized within the institution or in the community (speakers in the schools, attending conferences or study days, outings, municipal activities, etc.) Members of the users' committee may organize fund-raising activities to raise the level of funding for committee activities. All such initiatives are most welcome.

³⁴ Task force coordinated by Rita Proulx, Régie régionale de Laval, *Des réponses à vos questions* 1995, pages 24, 25 and 26.

6.5 Carrying Out Functions

To make its work even more worthwhile, the users' committee should not work in isolation. It should first of all work closely with the users for whom it exists in carrying out its functions. It may then choose to invite any other interested person to join in, such as volunteers, family members or staff members from the institution. In the operating rules, this could be described as participation or involvement of non-elected persons or formation of sub-committees.

The relationship between the committee and staff members should be discussed between the committee and management representatives in order to avoid the frequently involuntary creation of situations in which there is a conflict. The discussion could focus on appointing resource persons, how to establish contacts, information to be shared, etc.

The Conseil pour la protection des malades³⁵ also has a major contribution to make when it comes to users' committees. The Conseil, which was set up in June 1972, has nearly 30 years of experience and serves as an umbrella group for users' committees in health-care and social-service institutions throughout Quebec. In addition, the regional board can provide support for committee members as they carry out their mandate

³⁵ Conseil pour la protection des malades

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Chapter 7

Annual Report



The users' committee is required to submit a report every year to the board of directors of the institution and on request, to the regional board as well. Our proposed by-law suggests a deadline of **May 31** every year for this to be done. The annual report should cover the period from April 1 to March 31. If the annual report is produced in May, each institution can decide whether to include the users' committee report in the institution's annual report or attach it as an appendix. The regional board may ask to have a copy of the report submitted to the board as well (section 212). This practice varies from region to region.

Annual report

The Act does not give a detailed list of what the annual report to be submitted by the committee should include. However, looking at what is usually included in such reports, we have selected the following headings, which may be used or not, in whole or in part, in an orderly or disorderly fashion.

SUGGESTED CONTENT OF ANNUAL REPORT	
1.	Description of the users' committee's mission (mention any new orientation, e.g. if the committee mandate is extended to other service centres operated by the institution)
2.	Composition of committee and description of structures (names of members ³⁶ , executive, organizational diagram, list of sub-committees, etc.)
3.	Report by the chairman (comments and reflections)
4.	Budget resources (treasurer's report, statement of revenues and expenditures)
5.	Human resources (volunteers or paid staff)
6.	Description of activities (objectives, results)
	- To inform
	- To assess
	- To accompany and assist
	- To foster
	- To defend
	- Any other activities
7.	Publications that came out during the year.

A detailed guide to putting together the annual report appears in Appendix G.

The annual report provides an excellent opportunity for an overview of the year, and can also serve as a tool for promotion and awareness.

³⁶ Under certain circumstances, publishing the names may be contra-indicated (e.g. for a psychiatric hospital).



Conclusion

Over the past 10 years, we have come to see the value and dynamic nature of local initiatives undertaken by users' committees at institutions in the health-care and social-service network. In some cases, the broader functions of the users' committee is simply a recognition of what already exists, while in others, they serve as a way of encouraging users and management alike to take fresh steps together with the objective of either making necessary adjustments or setting up a users' committee.

We have prepared this guide to give you the information you need to set up a users' committee. While such committees are not obligatory in all institutions, if users show an interest in setting up a committee the institution should foster that initiative if at all possible.

The composition of the committee may vary from institution to institution according to what is needed. Members of the committee (users or non-users) are elected by a pool of voters comprising all the users of the institution. To identify this pool of voters, since the Act does not define "user," we suggest our own definition: a person who has received or is currently receiving health care or social services at the institution or an attached resource, and whose documents remain in current use. We feel that this orientation promotes the participation of users with the great interest in the organization of services offered by the institution.

In exercising their rights, users may be represented when the users' committee is put together. However, we are in favour of direct participation by users whenever possible.

Committee members' mandate may be longer or shorter in duration, depending on the clientele. Ideally, it would be long enough to give members an opportunity to acquire some knowledge of the various facets of their mandate, yet short enough to encourage new people to participate. It may be desirable to synchronize the election of users' committee members with the election for members of the Board.

Under the terms of the Act, the board of directors for the institution sets up the users' committee. The board is therefore required to establish the composition of the committee, how members will be designated, mandates and procedures for replacing members in the event of vacancies. This responsibility should be carried out in close cooperation with the

users' committee. The committee is responsible for determining its operating rules, which include provisions on the assembly of users, naming of the executive and alternates, committee meetings, formation of sub-committees, reimbursement of committee members' expenses, what goes into the minutes of meetings, documents and archives, the financial year and signing officers.

The functions of the users' committee have been broadened, and now include responsibility for informing users of their rights and obligations, promoting improved quality of life in the institution, assessing users' level of satisfaction with services, defending collective rights and interests, and accompanying and assisting users, on request, in any step they plan to take. In addition, the committee is required to elect two members to the institution's board of directors every three years. Apart from these legal functions, the users' committee may organize all sorts of activities and initiate interesting projects for the benefit of the users.

Setting up a users' committee is an extremely important step to take, with a level of difficulty that is totally manageable. However, success cannot be taken for granted, as setting up such a committee reveals a complex fabric of formal and informal networks, how services are organized at the institution, users' needs, ethical dimensions, collective interests and individual interests – all of which can collide or come up against organizational constraints. All these aspects mean that committee members and the management of the institution need to keep the lines of communication open, meeting and making decisions together, in the utmost respect for their respective roles – which share the joint objective of improving service quality and satisfaction for users.

Relationships that reflect a sense of responsibility and harmony that reigns between the members of the users' committee and representatives of the institution are the best warranty of success as we assist and accompany our users.

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Appendix A
By-law of the board of directors
respecting the users' committee
at this institution

**By-law respecting internal operations at
[*official name of institution*]:
users' committee**

SECTION I GENERAL PROVISIONS

(...)

3. Definitions

In this by-law, unless otherwise indicated by the context, the following terms or expressions are used in the following ways:

(...)

14. "User" means anyone to whom the institution or an attached intermediate resource has provided or is currently providing health care or social services and whose documents remain in current use.

(...)

SECTION IX USERS' COMMITTEE

149. Composition*

A users' committee is set up in each institution administered by a board of directors under this regulation.

The board of directors determines the composition of the users' committee after consulting the users' committee.

The users' committee at each of the following institutions is composed of five members elected by all users at the institution. If possible, the majority (three members) should be users or their representatives:

1. [official name of institution #1]
2. [official name of institution #2]

The users' committee at the following institution is composed of seven members elected by all users at the institution. If possible, the majority (four members) should be users or their representatives:

including at least three members who are users or their representatives:

1. [official name of institution #3]

150. Appointment procedure

The board of directors determines the procedure for appointing the users' committee after consulting the users' committee.

The users' committee at [official name of institution] is composed of the following members, who become members as they are elected:

1. at least one member representing the designated facility [give name here] located at [give address here];
2. at least two members representing the designated facility [give name here] located at [give address here];
3. at least one member representing the users of the day centre;
4. one other member.

The users' committee at [official name of institution] is composed of the following members, who become members as they are elected:

1. at least two members representing the designated facility [*give name here*] located at [*give address here*];
2. at least two members representing the designated facility [*give name here*] located at [*give address here*];
3. at least one person representing the users of the day centre;
4. two other members.

The users' committee at [*official name of institution*] is composed of the following members, who become members as they are elected:

1. at least one member representing the designated facility [*give name here*] located at [*give address here*];
2. at least one member representing the designated facility [*give name here*] located at [*give address here*];
3. at least one member representing the users of the day centre;
4. two other members.

151. Mandate

The board of directors determines the mandate of members of the users' committee after consulting the users' committee.

Members of each users' committee have a three-year mandate.

However, members remain on the committee after their mandate has expired until they are re-elected or replaced.

152. Exclusion* (section 210 of the Act)

No person under curatorship, who works for the institution or who practices his or her profession at the institution may be a member of a users' committee.

153. Loss of qualification

A member ceases to sit on the users' committee when he or she loses the qualification under which he or she was elected. However, it is not essential to qualify as a user in order to complete a mandate.

154. Resignation

Any member may resign from the users' committee by sending the chairman written notice of his or her intention to do so. Once the committee accepts the resignation, a vacancy exists. A resignation cannot be contested unless it would jeopardize the holding of committee meetings.

155. Vacancy

Any vacancy arising after the election of a member of the users' committee must be filled in the following way for the remaining mandate of the member to be replaced:

1. by designating, at a special meeting of the committee and following the procedure established by the chairman of the users' committee, a substitute chosen from among the substitutes elected at the users' meeting. As far as possible, the member who is designated should hold the same qualifications as the member of the users' committee he or she is replacing.

2. in the absence of a substitute, the resigning members are not replaced, as long as at least five members remain on the users' committee.
3. in extremis, if there are fewer than five members remaining on the users' committee and all options have been exhausted, the remaining members fill the vacancy by resolution, provided that the member thus named holds the same qualifications for sitting on the users' committee as the person he or she is replacing. The users' committee informs the board of directors of the name of the replacement.

156. Functions* (section 212 of the Act)

The functions of the users' committee are

1. to inform users of their rights and obligations;
2. to foster the improvement of the quality of the living conditions of users;
3. to assess the degree of satisfaction of users with regard to the services obtained from the institution;
4. to defend the common rights and interests of users;
5. at the request of a user, to defend his rights and interests as a user before the institution or any competent authority;
6. to accompany and assist a user, on request, in any action he undertakes, including the filing of a complaint in accordance with Divisions I, II and IV of Chapter III of Title II;
7. to elect two members to the institution's board of directors, following the procedure established by government regulation;
8. to organize and promote all types of events or projects designed to raise funds for committee activities.

(Note: paragraph 8 is optional and does not appear in the Act.)

157. Operating rules*

The users' committee of each institution must adopt internal operating rules within sixty (60) days of its formation and review the rules at least every three (3) years.

The rules are sent to the board of directors for their information.

158. Annual report* (section 212 of the Act)

The users' committee must submit an annual report to the board of directors by May 30 each year, and send a copy of the report to the regional board. The annual report covers the period from April 1 to March 31 each year.

159. Duties of executive director (section 211 of the Act)

Under the Act, the executive director of the institution must:

1. foster the proper functioning of the users' committee;
2. inform, in writing, every user of the existence of the users' committee;
3. make a room available for the activities of the users' committee and make it possible for the committee's records to be kept confidential.

160. Budget for committee

As soon as the committee has been ratified by the regional board, the executive director of the institution informs the members of the users' committee how much they have to spend for the current year.

Appendix B
By-law respecting operating rules
for the users' committee

**Operating rules for the
users' committee at
*[name of institution]***

Comes into effect on [date]

NOTE: Users' committees are required to adopt operating rules, but may decide for themselves what should be included in the rules. This document is intended to provide sample wordings that may be changed to meet the specific needs of each committee.

The list of suggested sections is largely drawn from regulations currently in effect under the Act.

Table of Contents

TO BE COMPLETED

WHEREAS section 212 of the *Act respecting health services and social services and other legislative provisions* (R.S.Q.1991, chapter 42 and amendments) stipulates that the users' committee must adopt operating rules;

THE USERS' COMMITTEE hereby adopts the following by-law.

**BY-LAW RESPECTING
OPERATING RULES
FOR THE USERS' COMMITTEE AT
(NAME OF INSTITUTION)**

**SECTION ONE
GENERAL PROVISIONS**

1. Object

The object of this by-law is to establish operating rules for the users' committee at this institution.

2. Appendices

The appendices are not considered to be part of the by-law.

3. Definitions

In this by-law, unless otherwise indicated by the context, the following terms or expressions are used in the following ways:

1. "users' committee" or "committee": the committee set up by the board of directors of the institution under section 209 of the Act and sections [149 to 154] of the Regulation respecting the internal management of institutions;
2. "institution": (*official name of institution*) with letters patent given and sealed at Quebec City on (*give date here*) and duly registered on (*give date here*), volume (*give number here*), folio (*give number here*);
3. "Act": the *Act respecting health and social services and amending other legislative provisions (S.Q. 1991, chapter 42 and amendments)*;
4. "member": a person duly elected as a member of the institution's users' committee;
5. "user": a person receiving health care or social services from the institution or from an attached intermediate resources and whose documents remain in current use, the term "user" including the person's legal representative.

4. Office

The office of the users' committee is located at (*give exact address here, including room number*).

5. Functions* (section 212 of the Act)

The users' committee is set up for all users at the institution.

[*An institution that operates more than one service centre may limit the mandate of the users' committee to the chosen service centre, for example:*]

The users' committee is set up for all users at the (residential and long-term care centre) of the institution.

The functions of the users' committee are:

1. to inform users of their rights and obligations;
2. to foster the improvement of the quality of the living conditions of users and assess the degree of satisfaction of users with regard to the services obtained from the institution;
3. to defend the common rights and interests of users or, at the request of a user, to defend his rights and interests as a user before the institution or any competent authority;
4. to accompany and assist a user, on request, in any action he undertakes, including the filing of a complaint in accordance with Divisions I, II and IV of Chapter III of Title II;
5. to elect two members to the institution's board of directors, following the procedure established by government regulation;
6. to animate, organize and promote all types of events or projects designed to inform, entertain, assist or support users on any subject that is likely to interest them.

SECTION TWO

USERS' MEETINGS

6. Composition

Users' meetings include all users at the institution.

7. Annual general meeting

An annual general meeting of users is held within four (4) months of the end of the financial year, on a date and at a place in the province to be determined by the users' committee.

The agenda must include the following points, among others:

1. Reading and approval of the minutes of the previous meeting;
2. Presentation and approval of the annual report, including ratification of actions taken by committee members;
3. Presentation and approval of financial statements;
4. Election of members of the users' committee, as needed;
5. Discussion of current issues for users' committee, as needed;
6. Amendments or draft amendments to by-laws, as needed;
7. Varia (other business).

8. Extraordinary general meeting

To discuss a particular subject, an extraordinary general meeting of users may be convened at any time:

1. by the chairman of the committee;
2. by resolution of the users' committee; or
3. by request of at least one-tenth (1/10) of the users at an institution, sent to the secretary-treasurer of the users' committee. The request must include the agenda for the meeting.

9. Notice of meeting

A notice must be sent out by the secretary-treasurer or chairman of the users' committee to the last known address of each user of outpatient services, by regular mail, fax or telegram, at least fifteen (15) days prior to the date of the meeting.

A notice must be forwarded by the secretary-treasurer or chairman of the users' committee to each user of inpatient services, in writing, at least fifteen (15) days prior to the date of the meeting.

The notice must state the place, time, date and agenda for the meeting. In the case of an extraordinary general meeting, only the subject(s) listed on the agenda may be discussed.

Should a user fail to receive the notice, that does not invalidate the meeting or the procedures governing the meeting. A certificate issued by the secretary-treasurer of the committee stating that the meeting notice was sent to or received by inpatient users shall be considered conclusive evidence that the notice was indeed issued.

10. Quorum

At any meeting, a quorum consists of one-tenth (1/10) of the users at the institution.

11. Right to speak

Users at the institution have the right to speak at meetings. Users may be represented for this purpose by their legal representative, or may be assisted by the person of their choice.

12. Right to vote

Users at the institution have the right to vote. Users may be represented for this purpose by their legal representative, or may be assisted by the person of their choice.

13. Voting

At all meetings, resolutions must be duly moved and seconded before debate begins. A declaration by the chairman that a resolution has been passed and a note to that effect made in the minutes constitutes proof of such, unless a user requests a formal recount.

Subject to provisions concerning the election of members of the users' committee, votes are taken by show of hands, unless ten (10) users request a secret ballot, in which case the chairman chooses two (2) scrutineers.

A decision of the majority of those in attendance constitutes a resolution and is binding on all users at the institution. However, if more than a simple majority is required by a provision of the users' committee by-laws, the decision should comply with that provision.

14. Procedure for meetings

Subject to the provisions of this by-law, the chairman shall rule on all matters regarding procedure for meetings, based on the customary procedure for meetings at which such deliberations take place.

15. Adjournment

As long as there is a quorum at the meeting, a resolution may be passed to adjourn the meeting to another time on the same date or another date without having to send out a new notice of meeting.

SECTION THREE

EXECUTIVE AND SUBSTITUTES

16. Chairman, vice-chairman and secretary

Every year, the members of the users' committee elect a chairman, vice-chairman and secretary-treasurer from among their number.

17. Chairman

The chairman of the committee presides over committee meetings and ensures that meetings proceed properly. The chairman, who possesses all the necessary powers, performs the following functions:

1. ensures that the meeting was duly called, that there is a quorum and that those present are entitled to attend;
2. declares the meeting open at the time given in the notice, or at the latest, within thirty (30) minutes of that time;
3. rules on points of procedure and regulations;
4. announces the items on the agenda, introducing them or asking a participant to do so;
5. decides whether motions are acceptable and submits them to the members of the committee;
6. serves as the users' committee official representative;
7. sits as an ex-officio member of all sub-committees set up by the committee;
8. signs, jointly with the secretary-treasurer, minutes of committee meetings and annual reports;
9. signs as needed any documents that are binding upon the committee;
10. certifies any document, copy or excerpt issued by the users' committee or included in the committee archives;
11. makes decisions as required by the circumstances, subject to reporting to the users' committee;
12. performs any other functions assigned to him or her by the users' committee.

18. Vice-chairman

The vice-chairman replaces the president in his or her absence or if the president is temporarily unable to act, performing any other functions assigned to him or her by the users' committee.

19. Chairman or vice-chairman

The chairman or vice-chairman of the users' committee must be a user or user's representative.

20. Secretary-treasurer

The secretary-treasurer performs the following functions:

1. serves as ex-officio secretary at meetings of the users' committee and all other committees;
2. issues notices for meetings of the users' committee and all other committees;
3. prepares minutes for meetings at which he or she serves as secretary, has them signed by the chairman and counter-signs them;
4. ensures that the archives are properly kept, including an up-to-date list of users, complete files on meetings of the users' committee and all other committees, as well as any other documents the committee considers useful;
5. certifies any document, copy or excerpt issued by the users' committee or included in the committee archives;
6. prepares the committee budget, submits it to the committee for approval, and sees that it is followed in accordance with the decisions of the committee;
7. works with the chairman, vice-president and any other committee member to prepare the annual report, submits it for approval, and makes sure that it is sent to the board of directors for the institution and the appropriate regional health board;
8. signs as needed, with the committee chairman, any documents that are binding upon the committee;
9. performs any other functions assigned to him or her by the users' committee.

21. Substitutes

Substitutes are elected by the general meeting of users to fill vacancies on the committee.

They attend committee meetings in a non-voting capacity and assist the committee executive as needed.

SECTION FOUR

MEETINGS

§1. Notice of meetings

22. Notice

The secretary-treasurer convenes meetings of the users' committee. Under exceptional circumstances, meetings may be convened by:

1. resolution of the users' committee;
2. the chairman, secretary-treasurer, or a duly mandated user, at the written request of one-tenth of the users at the institution;
3. the chairman of the users' committee.

23. Timing

Notices for regular meetings must be sent out at least three (3) days prior to the meeting.

Notices for special meetings must be sent out at least twenty-four (24) hours ahead.

24. Sending of notices

Meeting notices must be sent to the last known address of each member by regular mail, registered mail or internal mail, fax or telegram.

25. Content

The notice must give the type of meeting, date, time, place and agenda for the meeting; if the meeting is to be held by conference call or other technological means, the notice should specify this.

In the case of a special meeting, only the subject(s) listed on the agenda may be discussed.

Meetings may take the form of a conference call or other technological means as long as all members are able to express themselves and hear what others have to say.

26. Declining notice of meeting

Any member of the users' committee may decline the notice of meeting in writing. However, the member's mere presence at the meeting is equivalent to such a renunciation, unless the member attends specifically to object to the meeting by stating that it is highly irregular to call such a meeting.

27. Failure to receive notice of meeting

Should a user fail to receive the notice, that does not invalidate the meeting, the procedures governing the meeting, or the decisions made at the meeting. A certificate issued by the secretary-treasurer of the committee stating that the meeting notice was sent shall be considered conclusive evidence that the notice was indeed issued.

28. Quorum

At any meeting, a quorum consists of a majority of members of the users' committee

§2. Rules for meetings

29. Number of meetings

The users' committee shall hold at least ten (10) regular meetings every year. The schedule of meetings is established by the second meeting every year, at the very latest. However, if a meeting cannot take place as scheduled, it may be re-scheduled.

30. Place of meetings

Users' committee meetings are held at the committee's office or in another location chosen by the secretary-treasurer.

31. Opening of meetings

At the time indicated on the meeting notice, the chairman declares the meeting open, unless there is no quorum.

Should there be some delay, a maximum of thirty (30) minutes shall be allowed after the time given in the meeting notice or the motion to adjourn. After that delay, the secretary-treasurer notes in the minutes, at the request of the chairman, vice-chairman or another committee member, who attended the meeting and notes that the meeting could not be held as there was no quorum. An informal meeting may then take place.

32. Procedure for meetings

The chairman shall rule on all matters regarding procedure for meetings, based on the customary procedure for meetings at which such deliberations take place.

33. Private nature of meetings

Meetings of the users' committee are private. However, the chairman may allow representatives or others who assist users to attend, as well as observers or resource people.

34. Right to speak

All committee members have the right to speak at meetings. However, they may be assisted or, in the case of disabled members, represented. In any intervention, the member may not reveal any confidential personal information except with the written permission of the person concerned.

The chairman may interrupt a member when the allotted time has elapsed, if the member makes an offensive or malicious statement, or if the right to protection of personal information is in jeopardy.

35. Resolutions

All decisions of the users' committee are made by resolution, duly seconded by at least one member. A declaration by the chairman that a resolution has been passed and a note to that effect made in the minutes constitutes proof of such, unless a user requests a formal recount.

A majority decision of members constitutes a resolution and is binding upon the committee.

If more than a simple majority is required under a provision of the committee by-laws, the decision must comply with that provision.

Votes are taken by show of hands unless the chairman authorizes a secret ballot.

In the event of an emergency, a resolution in writing signed by all members of the users' committee has the same value as a resolution passed in a meeting. The resolution is submitted at the next meeting and kept with the minutes of users' committee meetings.

All resolutions that are duly passed become binding as soon as they are passed, unless the users' committee sets another date for their coming into effect.

36. Right to vote

Before calling for a vote, the chairman reads the original motion out loud again, with amendments if any.

All members have the right to vote. They may be assisted or represented, but may only exercise that right by proxy vote.

The chairman casts the deciding vote in the event of a tie, but is not obliged to vote.

Voting shall be by show of hands, by "aye" or "nay", or by secret ballot.

37. Secret ballot

A secret ballot may be held at the request of a committee member.

38. Agenda

The agenda must include the following items: approval of the agenda, approval of the minutes of the last meeting, and subjects on which the committee must make a decision.

The agenda, which is sent out with the notice of meeting, must be approved at the beginning of the meeting.

39. Adjournment

As long as there is a quorum at the meeting, a resolution may be passed to adjourn the meeting to another time on the same date or another date without having to send out a new notice of meeting.

SECTION FIVE

FORMATION OF SUB-COMMITTEES

40. Formation

The users' committee may form committees as needed to achieve its objectives and may determine their composition, functions, duties and powers, how their business shall be administered and internal operating rules.

SECTION SIX

REIMBURSEMENT OF EXPENSES

41. Expenses

Members of the users' committee are not remunerated. However, they are entitled to the reimbursement of expenses incurred in the performance of their duties, under the same conditions as members of the board of directors for the institution.

SECTION SEVEN

MINUTES, DOCUMENTS AND ARCHIVES

§1. Minutes

42. Content

The secretary-treasurer prepares the minutes for each meeting of the users' committee, including the background, rationale and wording for motions, the decision made by the committee, and where necessary, a brief summary of deliberations.

The minutes should note whether each member of the committee was present or absent for some or all of the meeting.

43. Reading and correction of minutes

The secretary-treasurer is not obliged to read the minutes of the previous meeting, but is required to read them if a member so requests.

Any member who would like to make a correction to the minutes should do so at the point on the agenda marked "Approval of minutes." Corrections may not be made if they change the meaning or object of decisions made or add elements that were not originally included.

44. Authenticity and record-keeping

Once the minutes have been approved by the users' committee and signed by the chairman and the secretary-treasurer, they are considered "authentic."

Original committee minutes are kept in the committee office on a confidential basis.

Minutes, including a full account of the meeting, may be consulted by the members of the committee, substitutes, users, or anyone else who has permission from the chairman, as long as personal information is protected.

§2. Documents and archives

45. Storage of documents

The users' committee shall keep original minutes, correspondence and all other original documents in the committee office.

46. Confidentiality

All documents deposited with or sent to the committee and information provided at meetings shall remain confidential, unless the person involved (and the committee, if applicable) gives permission in writing to divulge the information.

47. Registers and books

The following registers and books are kept by the users' committee:

1. name, address, phone number and occupation, where applicable, of each member of the users' committee;
2. list of users at the institution;
3. committee by-laws;
4. minutes of the users' committee and any other committees formed by the users' committee;
5. financial books and registers;
6. budgets and financial statements of the users' committee;
7. financial transactions, debts and obligations;
8. any other documents deemed necessary.

SECTION EIGHT

FINANCIAL YEAR AND SIGNATURES

48. Financial year

The users' committee's financial year ends on March 31 of each year.

49. Signatures

All cheques, drafts, bills or other negotiables are signed, drawn, accepted or endorsed by the chairman of the committee or another authorized member.

Any act or document that involves a commitment under the authorized budget for an amount under \$1,000 is binding upon the committee involved, on condition that is signed by one of the following signatories:

1. the chairman of the users' committee;
2. the secretary-treasurer of the users' committee;
3. another person designated in writing by the chairman of the users' committee.

Any act or document that involves a commitment under the authorized budget for an amount of \$1,000 or more is binding upon the committee involved, on condition that is signed by both of the following signatories:

1. the chairman of the users' committee; and
2. the secretary-treasurer of the users' committee.

50. Financial institutions

The secretary-treasurer shall name the financial institutions with which the committee may conduct transactions, at the recommendation of the chairman.

SECTION NINE

FINAL PROVISIONS

51. Replacement

All previous operating rules for the committee are abrogated and replaced by this by-law.

52. Adoption, amendment or repeal

A minimum of thirty (30) days' notice shall be given before the adoption, amendment or repeal of this by-law, which shall be passed by a vote of at least two-thirds (2/3) of committee members, at a regular or special meeting.

A copy of such a by-law shall be sent to committee members with the notice for the meeting at which it will be discussed.

Any adoption or amendment to the operating rules shall be submitted to the users' general meeting for approval. Should it be rejected, it shall remain in effect until the next general meeting of users at which the new version shall be submitted for approval. Should no new version be presented, the rule shall cease to exist.

53. Coming into effect

The operating rules and any amendments thereto shall come into effect as soon as they are passed by the members of the committee, subject to any instructions to the contrary.

Appendix C
By-law of the board of directors
respecting procedure for the first election
of the users' committee

**Procedure for the first election
of members of the users' committee
at [*name of institution*]**

Note

See Appendix D for detailed procedures to be applied in accordance with this by-law.

**Comes into effect on
[date]**

Table of Contents

TO BE COMPLETED

WHEREAS, in accordance with section 209 of the *Act respecting health services and social services and other legislative provisions* (S.Q.1991, chapter 42 and amendments), the board of directors has decided to set up a users' committee;

WHEREAS members of the users' committee are designated by election;

The board of directors at this institution hereby adopts the following by-law for the purpose of holding the first election for members of the users' committee.

**By-law respecting procedure for the first election
of the users' committee at
[name of institution]**

SECTION ONE

GENERAL PROVISIONS

1. Object

The object of this by-law is to establish procedure for the first election of members of the users' committee at this institution.

2. Appendices

The appendices are not considered to be part of the by-law.

3. Definitions

In this by-law, unless otherwise indicated by the context, the following terms or expressions are used in the following ways:

- a) "candidate": a person who is standing for election as a regular member or substitute member of the users' committee;
- b) "users' committee" or "committee": the committee to be set up by the institution under section 209 of the Act and sections [149 to 154] of the Regulation respecting the internal management of institutions;
- c) "delegates": members of the former beneficiaries' committee or persons named by users to represent them when the users' committee is being set up;
- d) "executive director": the executive director of the institution or a person designated in writing by him or her;
- e) "voter": a user at the institution or an intermediate resource attached to the institution;
- f) "institution": (*official name of institution*) with letters patent given and sealed at Quebec City on (*give date here*) and duly registered on (*give date here*), volume (*give number here*), folio (*give number here*);
- g) "Act": the *Act respecting health and social services and amending other legislative provisions (S.Q. 1991, chapter 42 and amendments)*;
- h) "member": a person duly elected as a member of the institution's users' committee;
- i) "user": a person receiving health care or social services from the institution or from an attached intermediate resource and whose documents remain in current use

4. Office

The office of the users' committee is located at (*give exact address here, including room number*).

5. Assistance of executive director

The executive director of the institution shall provide the necessary technical and administrative support to enable the returning officer to perform his or her duties.

SECTION TWO

RETURNING OFFICER

6. Designation

Before proceeding with the election, the executive director shall name a returning officer, after consulting delegates for the users at the institution.

7. Functions

The returning officer performs the following functions:

1. draws up the voters' list(s), as applicable;
2. issues the official notice for the election;
3. receives candidacies and accepts or rejects them;
4. informs voters and candidates of election procedures;
5. names scrutineers as needed to help him or her in performing these functions;
6. supervises the election process;
7. counts the votes;
8. completes certificates (see further appendices);
9. sends a copy of the appendices to the executive director of the institution.

8. Returning officer's right to vote

The returning officer does not have the right to vote in an election for which he or she is acting in that capacity.

SECTION THREE

ELECTION

§1. Voters' list and notice of election

9. Voters' list

At least 10 days prior to the election, the returning officer shall draw up a list of voters at the institution in conjunction with the executive director, keeping the list confidential until election day.

(For institutions that operate several centres, provide services at several facilities or offer services to non-residential users, the following paragraph should be adopted, according to the situation that applies to the institution:)

[For each voter, the list should note the centre, facility or the fact that the user is receiving services as an outpatient.]

After the election, the users' committee keeps the voters' list confidential until the next election.

10. Corrections to list

The returning officer shall inform the voters of the period (dates and times) during which the list may be checked and corrected. He or she is responsible for the protection of personal information and should not allow access to anything but basic contact information for voters, except with the written permission of the persons concerned.

Anyone whose name does not appear on the voters' list may apply to the returning officer to have his or her name entered on the list.

A voter may also apply to the returning officer to have information on the list concerning him or her corrected.

11. Notice of election

The returning officer shall give verbal notice of the election by the day on which the general meeting of users is held, if not sooner.

The notice of election must mention the restrictions and requirements provided for under section 209 of the Act and the by-law of the institution respecting the majority of users and fair representation of centres and facilities.

§2. CANDIDACIES

12. Putting names forward

At the general meeting, at the time indicated by the returning officer, names of candidates shall be read out loud, each candidate to be supported by at least two members of the electoral college.

13. Acceptance or rejection

The returning officer shall accept or reject each name.

Rejections may only be made for cause, based on the restrictions or requirements provided for under the Act and the by-law of the institution.

§3. UNCONTESTED ELECTION

14. Returning officer's declaration

When the application period is over, if the number of candidates is less than or equal to the number of positions to be filled, the returning officer shall declare the candidates to be elected. He or she shall then fill in the Certificate of uncontested election (see Appendix II) and send a copy to the executive director of the institution within three days.

The returning officer shall also send the original of Appendix I to the users' committee within three days, and a copy of the Certificate of uncontested election to the Comité Provincial des Malades, if the institution is a member.

The returning officer shall post a notice in a part of the institution that is accessible to users listing the names of those elected and noting that no election was held.

§4. NO ELECTION

15. Insufficient number of candidates

When the application period is over, if the number of candidates is not sufficient for an election to be held, the returning officer shall advise the executive director of the institution within three days.

16. Informing users

If there is not a sufficient number of candidates, the returning officer shall inform users of the situation as soon as possible in any way deemed appropriate, and may call for further candidacies if he or she feels it is appropriate to do so.

§5. LIST OF CANDIDATES AND ELECTION

17. List of candidates

When the application period is over, if the number of candidates is greater than the number of positions to be filled, the returning officer shall draw up a list of candidates and see that an election takes place.

18. Election

Committee members shall be elected at the meeting by secret ballot, including three substitutes.

19. Proxy vote or advance poll

Proxy voting is prohibited. However, the returning officer or a scrutineer may provide physical assistance to anyone who needs help to exercise his or her right to vote.

20. Voting by legal representative

A legal representative may cast a vote under the following circumstances:

- a) if the user he or she represents is under curatorship;
- b) if the user he or she represents is unable to understand and exercise his or her right to vote because the voter is too young or suffers from an intellectual disability or diminished intellectual capacities.

Any other representative must respect the user's desire to vote on his or her own or not to vote.

§6. COUNTING OF VOTES, PROCLAMATION OF ELECTION AND PUBLICATION OF RESULTS

21. Counting of votes

Following the secret ballot, the returning officer shall proceed with the counting of votes.

Candidates and their representatives may attend the counting of votes.

Once the votes have been counted, the returning officer shall declare elected the person who obtained the highest number of votes.

In the event of a tie that would have the effect of electing a number of candidates greater than the number of positions to be filled, the returning officer shall make a random draw among the candidates who obtained the same number of votes.

22. Proclamation of election

The returning officer shall complete the Certificate of election (Appendix IV) and send a copy of Appendices I and IV to the executive director of the institution within 10 days.

The returning officer shall also send the original of Appendices I and IV to the office of the users' committee within 10 days, and a copy of the Certificate of election to the Comité Provincial des Malades, if the institution is a member.

23. Publication of results

The returning officer shall post a copy of the Certificate of election in a part of the institution that is accessible to users.

SECTION FOUR

FINAL PROVISIONS

24. Coming into effect of this by-law

This by-law shall come into effect on the day on which it is adopted by the institution's board of directors.

CHAIRMAN, BOARD OF DIRECTORS

SECRETARY, USERS' COMMITTEE

Appendix D
By-law of the users' committee
respecting procedure for electing
the users' committee

**Procedure for electing the
users' committee at
[*name of institution*]**

Comes into effect on [date]

Table of Contents

TO BE COMPLETED

WHEREAS, in accordance with section 209 of the *Act respecting health services and social services and other legislative provisions* (S.Q.1991, chapter 42 and amendments), the board of directors has decided to set up a users' committee;

WHEREAS members of the users' committee are designated by election;

THE USERS' COMMITTEE hereby adopts the following by-law.

**By-law respecting procedure for electing
members of the users' committee at
[name of institution]**

SECTION ONE

GENERAL PROVISIONS

1. Object

The object of this by-law is to establish procedure for the election of members of the users' committee at this institution.

2. Appendices

The appendices are not considered to be part of the by-law.

3. Definitions

In this by-law, unless otherwise indicated by the context, the following terms or expressions are used in the following ways:

- a) "candidate": a person who is standing for election as a regular member or substitute member of the users' committee;
- b) "users' committee" or "committee": the committee set up by the board of directors of the institution under section 209 of the Act and sections [149 to 154] of the Regulation respecting the internal management of institutions;
- c) "executive director": the executive director of the institution or a person designated in writing by him or her;
- d) "voter": a user at the institution or an intermediate resource attached to the institution;
- e) "institution": (*official name of institution*) with letters patent given and sealed at Quebec City on (*give date here*) and duly registered on (*give date here*), volume (*give number here*), folio (*give number here*);
- f) "Act": the *Act respecting health and social services and amending other legislative provisions (S.Q. 1991, chapter 42 and amendments)*;
- g) "member": a person duly elected as a member of the institution's users' committee;
- h) "user": a person receiving health care or social services from the institution or from an attached intermediate resource and whose documents remain in current use.

4. Office

The office of the users' committee is located at (*give exact address here, including room number*).

5. Assistance of executive director

The executive director of the institution shall provide the necessary technical and administrative support to enable the returning officer to perform his or her duties.

SECTION TWO

RETURNING OFFICER

6. Designation

Before proceeding with the election, the users' committee shall name a returning officer at least 45 days prior to election day.

7. Functions

The returning officer performs the following functions:

1. draws up the voters' list(s), as applicable;
2. issues the official notice for the election;
3. receives candidacies and accepts or rejects them;
4. sends the list of candidates to each centre or facility operated by the institution;
5. informs voters and candidates of election procedures;
6. names scrutineers as needed to help him or her in performing these functions;
7. supervises the election process;
8. counts the votes;
9. completes certificates (see further appendices);
10. sends a copy of the appendices to the executive director of the institution.

8. Returning officer's right to vote

The returning officer does not have the right to vote in an election for which he or she is acting in that capacity.

SECTION THREE

ELECTION

§1. Voters' list and notice of election

9. Voters' list

At least 40 days prior to election day, the returning officer shall draw up a list of voters at the institution in conjunction with the executive director, keeping the list confidential until election day.

(For institutions that operate several centres, provide services at several facilities or offer services to non-residential users, the following paragraph should be adopted, according to the situation that applies to the institution:)

[For each voter, the list should note the centre, facility or the fact that the user is receiving services as an outpatient.]

After the election, the users' committee keeps the voters' list confidential until the next election.

10. Notice of election

At least 35 days prior to election day, the returning officer shall post notice of the election in each facility of the institution that is accessible to users. The notice shall include procedures for standing for election, as detailed in section 12 below.

The notice of election must mention the restrictions and requirements provided for under section 209 of the Act respecting the majority of users and fair representation of centres and facilities.

The notice of election must also include the full name, address, and telephone number of the returning officer, along with the times at which the returning officer is available. In addition, the notice should inform the voters of the period (dates and times) during which the list may be checked and corrected. He or she is responsible for the protection of personal information and should not allow access to anything but basic contact information for voters, except with the written permission of the persons concerned.

11. Corrections to list

Anyone whose name does not appear on the voters' list may apply to the returning officer to have his or her name entered on the list.

A voter may also apply to the returning officer to have information on the list concerning him or her corrected.

§2. CANDIDACIES

12. Application form

Candidates put their name forward by filling in the Application form for candidates for users' committee (see Appendix I), signed by the candidate and countersigned by two members of the electoral college.

The application form must be sent to the returning officer at least 20 days prior to election day, by 5 p.m.

Note

Candidacies, including those of substitutes, may be extended until a time determined by the returning officer on election day; if so, it should be mentioned in this section.

13. Acceptance or rejection

Within two days of receiving each application, the returning officer must accept or reject it in writing.

Rejections may only be made for cause, based on the restrictions or requirements provided for under the Act and the by-law of the institution.

14. Candidates' representative

Candidates may designate a representative to observe the election procedure.

§3. UNCONTESTED ELECTIONS

15. Returning officer's declaration

When the application period is over, if the number of candidates is less than or equal to the number of positions to be filled, the returning officer shall declare the candidates to be elected. He or she shall then fill in the Certificate of uncontested election (see Appendix

II) and send a copy of the appendices to the executive director of the institution within three days.

The returning officer shall also send the original of Appendices I and II to the office of the users' committee within three days, and a copy of the Certificate of uncontested election to the Comité Provincial des Malades, if the institution is a member.

Fifteen days prior to election day, if not sooner, the returning officer shall post a notice in a part of the institution that is accessible to users listing the names of those elected and noting that no election will be held.

§4. NO ELECTION

16. Insufficient number of candidates

When the application period is over, if the number of candidates is not sufficient for an election to be held, the returning officer shall advise the executive director of the institution within three days, and shall send the original application forms to the users' committee office within the same period of time.

17. Informing users

If there is not a sufficient number of candidates, the returning officer shall inform users of the situation as soon as possible in any way deemed appropriate, and may call for further candidacies.

§5. LIST OF CANDIDATES AND ELECTION

18. List of candidates

When the application period is over, if the number of candidates is greater than the number of positions to be filled, the returning officer shall draw up a list of candidates.

The returning officer shall send this list to each user 20 days prior to election day, if not sooner, inviting users to attend a meeting to be held on election day.

[For an institution that operates more than one centre or facility or offers services on an outpatient basis, the following paragraph may be adopted:]

[Instead of convening a meeting, the returning officer may send ballots (see Appendix III) to each voter. Voters must return their ballots to the returning officer by election day.]

19. Election

Committee members shall be elected at the meeting by secret ballot, including three substitutes.

20. Proxy vote or advance poll

Voting by proxy or advance poll is prohibited. However, the returning officer or a scrutineer may provide physical assistance to anyone who needs help to exercise his or her right to vote.

21. Voting by legal representative

A legal representative may cast a vote under the following circumstances:

- a) if the user he or she represents is under curatorship;

- b) if the user he or she represents is unable to understand and exercise his or her right to vote because the voter is too young or suffers from an intellectual disability or diminished intellectual capacities.

Any other representative must respect the user's desire to vote on his or her own or not to vote.

§6. COUNTING OF VOTES, PROCLAMATION AND PUBLICATION OF RESULTS

22. Counting of votes

On election day, the returning officer shall proceed with the counting of votes.

Candidates and their representatives may attend the counting of votes.

Once the votes have been counted, the returning officer shall declare elected the person who obtained the highest number of votes.

In the event of a tie that would have the effect of electing a number of candidates greater than the number of positions to be filled, the returning officer shall make a random draw among the candidates who obtained the same number of votes.

23. Proclamation of election

The returning officer shall complete the Certificate of election (Appendix IV) and send a copy of Appendices I and IV to the executive director of the institution within 10 days.

The returning officer shall also send the original of Appendices I and IV to the office of the users' committee within 10 days, and a copy of the Certificate of election to the Comité Provincial des Malades, if the institution is a member.

24. Publication of results

The returning officer shall post a copy of the Certificate of election in a part of the institution that is accessible to users.

SECTION FOUR

FINAL PROVISIONS

25. Replacement

Any previous by-law respecting procedure for electing members of the users' committee is abrogated and replaced by this by-law.

26. Review

This by-law shall be reviewed every three years, if not sooner.

27. Validity

The users' committee adopts this by-law in its entirety and also section by section; should a section, paragraph or sub-paragraph be declared null and void, the remaining provisions of this by-law shall be maintained.

28. Adoption, amendment, abrogation

Any adoption, amendment or abrogation of this by-law shall be preceded by at least thirty (30) days' notice and adopted by a vote of at least two-thirds (2/3) of the members at a regular or extraordinary meeting of the users' committee, barring any decision to the contrary.

A copy of such a by-law must be sent to committee members along with the notice for the meeting at which it will be discussed.

Any adoption or amendment of this by-law respecting procedure for electing members of the users' committee must be submitted to the general meeting of users for approval. Should it be rejected, it remains in effect until the next meeting of users at which a new version is submitted for approval. Should no new version be presented, the by-law or amendment shall cease to exist.

29. Coming into effect of this by-law

This by-law shall come into effect on the day on which it is adopted by the institution's board of directors.

CHAIRMAN, BOARD OF DIRECTORS

SECRETARY, USERS' COMMITTEE

Appendix E
Oath to preserve
the confidential nature of
personal information

**Oath and solemn commitment
to preserve the confidential nature of personal information**

This oath is sworn by regular or alternate members of the users' committee, and by any others who may be privy to such information.

OATH

I hereby swear (or solemnly affirm) that I will perform my duties in the framework of activities of the users' committee honestly, in a spirit of cooperation and to the best of my abilities and knowledge.

In addition, I further swear (or solemnly affirm) that I will not reveal or cause to be revealed any personal information concerning a user to which I am privy in the performance of my duties unless I am duly authorized to do so.

In witness whereof I have signed at _____ on

City

Day/month/year

Person taking oath

First name

Last name

in the presence of at least two witnesses, including the chairman or secretary-treasurer of the committee:

WITNESSES

Chairman of committee

Last name

First name

Day month year

Secretary-treasurer of committee

Last name

First name

Day month year

Second witness

Last name

First name

Day month year

**THIS OATH SHALL BE SWORN BEFORE AT LEAST TWO WITNESSES,
INCLUDING THE CHAIRMAN OR
SECRETARY-TREASURER OF THE USERS' COMMITTEE**

This document attesting to the oath or solemn affirmation shall be kept by the users' committee.

Appendix F
A short sequence of the Act
and of a regulation

Chapter S-4.2 AN ACT RESPECTING HEALTH AND SOCIAL SERVICES

3. For the application of this Act, the following guidelines shall guide the management and provision of:

- (1) the person requiring services is the reason for the very existence of those services;
- (2) respect for the user and recognition of his rights and freedoms must inspire every act performed in his regard;
- (3) the user must be treated, in every intervention, with courtesy, fairness and understanding, and with respect for his dignity, autonomy and needs;
- (4) the user must, as far as possible, play an active role in the care and services which concern him;
- (5) the user must be encouraged, through the provision of adequate information, to use services in a judicious manner.

1991, c. 42, s. 3.

TITLE II RIGHTS OF USERS CHAPTER I GENERAL PROVISIONS

Information and access.

4. Every person is entitled to be informed of the existence of the health and social services and resources available in his community and of the conditions governing access to such services and resources.

1991, c. 42, s. 4.

Personalised services.

5. Every person is entitled to receive, with continuity and in a personalised manner, which are scientifically, humanly and socially appropriate.

1991, c. 42, s. 5.

Choice of professional.

6. Every person is entitled to choose the professional or the institution from whom or which he wishes to receive health services or social services.

Freedom of the professional.

Nothing in this Act shall restrict the freedom of a professional to accept or refuse to treat a person.

1991, c. 42, s. 6.

Right to receive care.

7. Every person whose life or bodily integrity is endangered is entitled to receive the care required by his condition. Every institution shall, where requested, ensure that such care is provided.

1991, c. 42, s. 7.

User's consent.

8. Before giving his consent to care concerning him, every user of is entitled to be informed of his state of health and welfare and to be acquainted with the various options open to him and the risks and consequences generally associated with each option.

1991, c. 42, s. 8.

User's consent.

9. No person may be made to undergo care of any nature, whether for examination, specimen taking, treatment or any other intervention, except with his consent.

Consent by user or representative.

Consent to care or the authorisation to provide care shall be given or refused by the user or, as the case may be, his representative or the court, in the circumstances and manner provided for in articles 10 and following of the Civil Code (Statutes of Québec, 1991, chapter 64).

1991, c. 42, s. 9; 1999, c. 40, s. 269.

User's participation.

10. Every user is entitled to participate in any decision affecting his state of health or welfare.

Service plan.

He is entitled, in particular, to participate in the development of his intervention plan or individualised service plan where such plans are required under sections 102 and 103.

Modifications.

The same applies to any modification made to such plans.

1991, c. 42, s. 10.

Assistance.

11. Every user is entitled to be accompanied and assisted by the person of his choice when he wishes to obtain information or take steps in relation to any service provided by an institution or on its behalf or by any professional practising in a centre operated by the institution.

1991, c. 42, s. 11.

Representative.

12. The rights of any person which are recognised under this Act may be exercised by a representative.

Representatives.

The following persons are presumed to be representatives, according to the circumstances and subject to the priorities provided for in the Civil Code (Statutes of Québec, 1991, chapitre 64):

- (1) the holder of parental authority of a user who is a minor or the user's tutor;
- (2) the curator, tutor, spouse or close relative of a user of full age under legal incapacity;
- (3) an authorised person mandated by the incapable user of full age before his incapacity;
- (4) a person proving that he has a special interest in the user of full age under legal incapacity.

1991, c. 42, s. 12; 1999, c. 40, s. 269.

Exercise of user's rights.

13. The right to and the right to choose a professional and an institution as provided in sections 5 and 6 shall be exercised within the framework of the legislative and regulatory provisions relating to the organisational and operational structure of the institution and within the limits of the human, material and financial resources at its disposal.

1991, c. 42, s. 13.

Patient discharge.

14. No institution may cease to lodge a user who has been discharged unless his condition allows his return home or his integration into a home, or unless his admission to another institution or any of its intermediate resources or to a family-type resource is assured and the services required by his condition will be provided to him by such institution or resource.

Patient discharge.

Subject to the first paragraph, a user must leave the institution where he is an in-patient immediately upon being discharged in accordance with the provisions of the regulation made under paragraph 28 of section 505.

1991, c. 42, s. 14.

English-speaking users.

15. English-speaking persons are entitled to receive health services and social services in the English language, in keeping with the organisational structure and human, material and financial resources of the institutions providing such services and to the extent provided by an access program referred to in section 348.

1991, c. 42, s. 15.

Recourses.

16. Nothing in this Act restricts the right of a person or his successors to pursue a remedy against an institution, its directors, employees or servants or a professional by reason of a professional or other fault. In no case may such remedy be waived.

Recourses.

The same applies to the right to pursue a remedy against a family-type resource.

1991, c. 42, s. 16; 1999, c. 40, s. 269.

CHAPTER II USER'S RECORD

Access to user's record.

17. Every user 14 years of age or over has right of access to his record. However, the institution may deny him access to it temporarily if, on the advice of his attending physician or the physician designated by the executive director of the institution, communication of the record or any part thereof would likely be seriously prejudicial to the user's health. In that case, the institution, on the recommendation of the physician, shall determine the time at which the record or the part thereof to which access has been denied can be communicated to the user, and notify him thereof.

1991, c. 42, s. 17.

Limitation.

18. No user is entitled to be informed of the existence or be given communication of information concerning him furnished by a third person which is contained in his record, where knowledge of the existence or the communication thereof would make it possible to identify the third person, unless that person has agreed in writing to the disclosure of the information and of its source to the user.

Exception.

The first paragraph does not apply where the information was furnished by a health or social services professional or by an employee of an institution in the performance of his duties. For the purposes of this paragraph, trainees, including medical residents, shall be regarded as health or social services professionals.

1991, c. 42, s. 18.

Confidentiality.

19. The record of a user is confidential and no person may have access to it except with the consent of the user or the person qualified to give consent on his behalf, on the order of a court or a coroner in the exercise of his functions, or where this Act provides that an institution may be required to release information contained in the record.

1991, c. 42, s. 19; 1992, c. 21, s. 2; 1999, c. 45, s. 1.

Validity of consent.

19.1. Consent to a request for access to a user's record for study, teaching or research purposes must be in writing ; in addition, it must be free and enlightened and given for specific purposes. Otherwise, it is without effect.

Validity of consent.

The consent is valid only for the time required for the attainment of the purposes for which it was granted or, in the case of a research project approved by an ethics committee, for the period determined, where that is the case, by the ethics committee.

1999, c. 45, s. 2.

Exception.

19.2. Notwithstanding section 19, the director of professional services of an institution or, if there is no such director, the executive director may authorise a professional to examine the record of a user for study, teaching or research purposes without the user's consent.

Criteria.

Before granting such authorisation, the director must, however, ascertain that the criteria determined under section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) are satisfied. If the director is of the opinion that the professional's project is not in compliance with generally accepted standards of ethics or scientific integrity, the director must refuse to grant the authorisation.

Granting and revocation of authorisation.

The authorisation must be granted for a limited period and may be subject to conditions. It may be revoked at any time if the director has reason to believe that the authorised professional is violating the confidentiality of the information obtained or is

not complying with the conditions imposed or with generally accepted standards of ethics and scientific integrity.

1999, c. 45, s. 2.

User under 14 years of age.

20. A user under 14 years of age is not entitled, at the time of an application for information or rectification, to be informed of the existence or to be given communication of information of a medical or social nature concerning him that is contained in his record, except through his advocate within the framework of a judicial proceeding.

Normal communication.

Nothing in the first paragraph shall restrict normal communication between a user and a health or social services professional or an employee of an institution. For the purposes of the first paragraph, trainees, including medical residents, shall be regarded as health or social services professionals.

1991, c. 42, s. 20.

Parents.

21. The holder of parental authority is entitled to have access to the record of a user who is a minor.

Exceptions.

However, an institution shall refuse to give the holder of parental authority access to the record of a user who is a minor where

(1) the user is under 14 years of age, an intervention within the meaning of section 2.3 of the Youth Protection Act (chapter P-34.1) has been made in his regard or a decision respecting him has been made under the said Act, and the institution, after consulting the director of youth protection, determines that communication of the record of the user to the holder of parental authority will or could be prejudicial to the health of the user;

(2) the user is 14 years of age or over and, after being consulted by the institution, refuses to allow his record to be communicated to the holder of parental authority and the institution determines that communication of the record of the user to the holder of parental authority will or could be prejudicial to the health of the user.

1991, c. 42, s. 21.

User's representatives.

22. The tutor, curator, mandatary or the person who may give his consent to care for a user is entitled to have access to the information contained in the record of the user to the extent that such communication is necessary for the exercise of that power.

Medical and psychosocial assessment.

Any person who attests under oath that he intends to apply for the institution or review of protective supervision for a user or the homologation of a mandate given by the user for the eventuality of his inability, is entitled to have access to the information contained in the medical and psychosocial assessment of the user, if the assessment determines that the user is unable to care for himself and administer his property. Only one applicant has a right of access to such information.

1991, c. 42, s. 22.

Heirs of deceased user.

23. The heirs, legatees by particular title and legal representatives of a deceased user are entitled to be given communication of information contained in his record to the extent that such communication is necessary for the exercise of their rights in such capacity. The same applies to the person entitled to the payment of a benefit under an insurance policy on the life of the user or under a pension plan of the user.

Spouse and family.

The spouse, ascendants or direct descendants of a deceased user are entitled to be given communication of information relating to the cause of death of the user, unless the deceased user entered in writing in his record his refusal to grant such right of access.

Hereditary disease.

Notwithstanding the second paragraph, persons related by blood to a deceased user may be given communication of information contained in his record to the extent that such communication is necessary to verify the existence of a genetic or hereditary disease.

1991, c. 42, s. 23; 1999, c. 40, s. 269.

Transmission of user's record.

24. At the request of a user, an institution must send a copy or summary of, or an extract from, the user's record as soon as possible to another institution or to a professional.

User's consent.

However, where the request of the user is made for study, teaching or research purposes, the institution may require consent in writing as provided for in section 19.1.

1991, c. 42, s. 24; 1999, c. 45, s. 3.

Professional assistance.

25. Where an institution provides a user with information of a medical or social nature concerning him that is contained in his record, it shall, at the request of the user, provide him with the assistance of a qualified professional to help him to understand the information.

Professional assistance.

The same applies to the holder of parental authority, the tutor, the curator, the mandatary or any person who may give consent to care on behalf of a user.

1991, c. 42, s. 25.

Prompt access.

26. The institution shall give the user access to his record as soon as possible. Prompt access. The same applies to the persons referred to in sections 21 to 23.

1991, c. 42, s. 26.

Refusal.

27. A user to whom an institution refuses access to his record or to information contained therein may, by way of a motion, apply to a judge of the Superior Court or the Court of Québec or to the Commission d'accès à l'information for a review of the decision of the institution. He may also, within 60 days of the date on which the refusal was notified to him, contest the decision before the Administrative Tribunal of Québec.

Refusal.

The same applies to the persons referred to in sections 21 to 23.

1991, c. 42, s. 27; 1997, c. 43, s. 723.

Provisions not applicable.

28. Sections 17 to 27 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1991, c. 42, s. 28.

CHAPTER III

USERS' COMPLAINTS

DIVISION I

EXAMINATION BY THE INSTITUTION

Examination of users' complaints.

29. Every institution shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the institution's personnel as the complaints officer responsible for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors.

1991, c. 42, s. 29; 1998, c. 39, s. 1.

Procedure.

30. The institution must publish the complaint examination procedure and inform each user of the existence of the publication and of the means of obtaining a copy thereof. Copies. However, the institution shall give a copy of the publication to every user who is lodged at the institution or who requests it.

1991, c. 42, s. 30.

Subject of complaint.

31. The complaint examination procedure enables the user to file a complaint concerning the services that have or should

have been provided to him by the institution or by an intermediate resource or family-type resource whose services are called upon by the institution.

1991, c. 42, s. 31; 1998, c. 39, s. 2.

User's views.

32. The examination procedure must permit the user and, where applicable, the intermediate resource or family-type resource to express their views.

1991, c. 42, s. 32; 1998, c. 39, s. 3.

Verbal or written complaint.

33. The complaint may be made in writing or verbally.

Assistance.

The complaints officer responsible for the application of the complaints examination procedure must assist or ensure that assistance is given to the user who requires it for the formulation of his complaint or for any step he wishes to take in relation to his complaint.

1991, c. 42, s. 33; 1998, c. 39, s. 4.

Notice.

34. The complaints officer must give the user who has filed a complaint in writing a notice indicating the date on which he received the complaint.

1991, c. 42, s. 34; 1998, c. 39, s. 5.

Required information.

34.1. Users, intermediate resources, family-type resources, the personnel members of an institution, and midwives practising under a service contract entered into with the institution pursuant to section 259.2 must provide the information required by the complaints officer for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer.

1998, c. 39, s. 6; 1999, c. 24, s. 25.

Time limit.

35. The complaints officer must examine a complaint within 45 days of receiving it.

Conclusions and recourses.

Before the expiry of the time limit, he must inform the user of his conclusions, giving the reasons on which they are based, and of the terms and conditions governing the remedy available to the user before the regional board. If the complaint is in writing, the information must be given in writing.

Conclusions.

The complaints officer must also, where applicable, inform the intermediate resource or family-type resource of his conclusions without delay, giving reasons.

1991, c. 42, s. 35; 1998, c. 39, s. 7.

Presumption.

36. Where the complaints officer fails to inform the user of his conclusions within the time prescribed in section 35, he is deemed to have transmitted negative conclusions to the user on the date on which the prescribed time expires.

Recourse before regional board.

Such failure gives rise to the remedy before the regional board.

1991, c. 42, s. 36; 1998, c. 39, s. 8.

Frivolous complaints.

37. The complaints officer may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith.

Notification.

He must inform the user, in writing if the complaint is in writing.

1991, c. 42, s. 37; 1998, c. 39, s. 9.

Council of physicians, dentists and pharmacists.

38. When a user's complaint concerns a medical, dental or pharmaceutical act and there is a council of physicians, dentists and pharmacists in the institution, the complaints officer must refer the complaint to the council and so inform the user in writing.

Designated physician.

If there is no council of physicians, dentists and pharmacists, the complaints officer must refer the complaint to the physician

designated for that purpose by the board of directors and so inform the user in writing.

Professional named in the complaint.

The complaints officer shall transmit a copy of the complaint he has received to the professional who is the subject of the complaint. During examination of the complaint, the user and the professional must be allowed to express their views.

User's record.

The professional who is the subject of the complaint shall have access to the user's record of complaint.

Recommendations.

The person to whom the complaint is referred must transmit his recommendation to the board of directors.

1991, c. 42, s. 38; 1992, c. 21, s. 3; 1998, c. 39, s. 173.

Decision.

39. The executive director shall advise the complaints officer of the board of directors' decision, giving the reasons on which it is based, concerning the user's complaint contemplated in section 38. The complaints officer shall inform the user and the professional concerned of the decision in writing.

1991, c. 42, s. 39; 1992, c. 21, s. 4; 1998, c. 39, s. 173.

Duties of executive director.

40. The executive director of the institution must send the board of directors any recommendation or report referred to him by the complaints officer in the performance of the duties entrusted to him under section 29.

1991, c. 42, s. 40; 1998, c. 39, s. 173.

Professional order.

41. Where the board of directors considers that the seriousness of the complaint justifies it, it must send it to the professional order concerned.

Disciplinary measures.

Where, following a user's complaint, the board of directors takes disciplinary measures in respect of a physician, dentist, pharmacist or midwife or in respect of any employee who is a member of a professional order, it must inform the professional order in writing.

Information.

In such case, the complaints officer shall inform the user thereof, in writing.

1991, c. 42, s. 41; 1992, c. 21, s. 5; 1994, c. 40, s. 457; 1998, c. 39, s. 173; 1999, c. 24, s. 26.

DIVISION II

EXAMINATION BY THE REGIONAL BOARD

Regional board.

42. A user having filed a complaint with an institution may address his complaint to the regional board if he disagrees with the conclusions sent to him by the complaints officer of the institution or deemed to have been sent to him under section 36, or if the complaints officer has refused or ceased to examine his complaint.

1991, c. 42, s. 42; 1998, c. 39, s. 10.

Complaint examination procedure.

43. The regional board shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the regional board's personnel as the complaints officer responsible for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors.

1991, c. 42, s. 43; 1998, c. 39, s. 11.

Views expressed.

44. The procedure for the examination of complaints must enable the user, the intermediate resource, the family-type resource and the institution to express their views.

1991, c. 42, s. 44; 1998, c. 39, s. 12.

Form of complaint.

45. The complaint must be in writing and accompanied with the conclusions, if any, which have been sent by the executive director of the institution and the reasons on which they are based.

Assistance.

The complaints officer of the regional board must assist or ensure that assistance is given to the user who requires it for the formulation of his complaint and for any step he wishes to take in relation to that complaint.

1991, c. 42, s. 45; 1998, c. 39, s. 173.

Transmission of record.

46. The complaints officer of the regional board shall send a copy of the complaint submitted to him to the institution, the intermediate resource or the family-type resource concerned and, within five days of receiving the copy, the institution must transmit the complete record of complaint to the complaints officer.

1991, c. 42, s. 46; 1998, c. 39, s. 13.

Required information.

47. Users, intermediate resources, family-type resources and institutions must provide the information required by the complaints officer of the regional board for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer.

1991, c. 42, s. 47; 1998, c. 39, s. 14.

Notice.

48. The complaints officer of the regional board shall give the user who has submitted a complaint a notice in writing indicating the date on which his complaint was received.

1991, c. 42, s. 48; 1998, c. 39, s. 173.

Time limit.

49. The complaints officer of the regional board must examine a complaint within 45 days of receiving it.

Conclusions and recourses.

Before the expiry of the time limit, he must inform the user, in writing, of his conclusions and give the reasons on which they are based and, at the same time, inform the user of the terms and conditions governing the remedy available to him before the complaints commissioner appointed by the Government under section 55. He must also inform the institution concerned and, where applicable, the intermediate resource or family-type resource of his conclusions without delay, giving reasons.

1991, c. 42, s. 49; 1998, c. 39, s. 15.

Presumption.

50. Where a complaints officer of the regional board fails to inform the user of his conclusions within the time prescribed in section 49, he is deemed to have transmitted negative conclusions to the user on the date on which the prescribed time expires.

1991, c. 42, s. 50; 1998, c. 39, s. 173.

F frivolous complaints.

51. The complaints officer of the regional board may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith and inform the user in writing.

1991, c. 42, s. 51; 1998, c. 39, s. 173.

Recommendations.

52. The executive director of the regional board must transmit to the board of directors any recommendation or report referred to him by the complaints officer in the performance of his duties entrusted to him under this division.

1991, c. 42, s. 52; 1998, c. 39, s. 173.

Subject of complaint.

53. Any natural person may file a complaint with the regional board in connection with any function or activity of the regional board by which the person is affected as regards services that have or should have been provided by an institution, an intermediate resource, a family-type resource or a community organisation.

Provisions applicable.

Sections 43, 44 and 47 to 52, adapted as required, apply to such a complaint.

1991, c. 42, s. 53; 1998, c. 39, s. 16.

Oral or written complaint.

53.1. A complaint may be filed under section 53 in oral or written form.

Assistance.

The complaints officer must assist or ensure that assistance is given to any person requiring it for the formulation of a complaint and for any step to be taken in relation to that complaint.

1998, c. 39, s. 17.

DIVISION III

ASSISTANCE BY COMMUNITY ORGANIZATION

Community organisation.

54. The Minister must, after consulting the regional board, the users' committees of the institutions of the region and interested associations, give a community organisation of the region the mandate to assist and accompany, on request, users wishing to file a complaint with an institution in the region, the regional board or the complaints commissioner.

1991, c. 42, s. 54; 1998, c. 39, s. 18.

DIVISION IV

COMPLAINTS COMMISSIONER

Complaints commissioner.

55. The Government shall appoint a complaints commissioner for the purposes of this division.

1991, c. 42, s. 55.

Duties.

56. The function of the complaints commissioner is to examine complaints

(1) from users who disagree with the conclusions transmitted to them by the complaints officer of a regional board pursuant to section 49;

(2) from persons referred to in section 72 who disagree with the conclusions transmitted to them by the complaints officer of a regional board pursuant to section 75;

(3) from persons who disagree with the conclusions transmitted to them by the complaints officer of a regional board pursuant to section 53.

Inquiry.

The examination of such complaints may include an inquiry if the complaints commissioner judges it to be advisable.

Powers.

In conducting an inquiry, the complaints commissioner is vested with the powers and immunity provided for in the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

1991, c. 42, s. 56; 1998, c. 39, s. 19.

Examination procedure.

57. The complaints commissioner must establish a complaint examination procedure which allows the user or person or the institution, the intermediate resource, the family-type resource, the community organisation, the holder of nursing home accreditation or the regional board, as the case may be, to present their views to him.

1991, c. 42, s. 57; 1998, c. 39, s. 20.

Form and content.

58. The complaint must be in writing and submitted with the conclusions, if any, transmitted by the complaints officer of the regional board.

Assistance.

The complaints commissioner must assist or ensure assistance to the user or person requiring it for the formulation of his complaint or for any other step relating to that complaint.

1991, c. 42, s. 58; 1998, c. 39, s. 21.

Transmission of record.

59. The complaints commissioner shall transmit a copy of every complaint submitted to him to the institution, intermediate resource, family-type resource, community organisation, holder of nursing home accreditation or regional board, as the case may be, and within five days of receiving that copy, the institution and the regional board must transmit the complete record of the complaint to him.

1991, c. 42, s. 59; 1998, c. 39, s. 22.

Required information.

60. Every user or person and every institution, intermediate resource, family-type resource, community organisation, holder of a nursing home accreditation or regional board, as the case may be, must furnish to the complaints commissioner the information he requires for examining a complaint and attend, unless excused for valid reasons, any meeting which he convenes.

1991, c. 42, s. 60; 1998, c. 39, s. 23.

Frivolous complaints.

61. The complaints commissioner may, on summary examination, dismiss any complaint the commissioner judges to be frivolous, vexatious or in bad faith.

Refusal.

The complaints commissioner may also refuse or cease to examine a complaint in either of the following situations:

(1) where the complaints commissioner has reasonable grounds to believe that an intervention will clearly serve no useful purpose;

(2) where the time that has elapsed between the events that gave rise to the dissatisfaction of the user or the person and the filing of the complaint makes it impossible to examine the complaint.

Notification.

In such cases, the complaints commissioner shall inform the user or person who transmitted the complaint accordingly.

1991, c. 42, s. 61; 1998, c. 39, s. 24.

Conclusions.

62. The complaints commissioner must, without delay, transmit the conclusions of the examination and the reasons on which they are based, together with any recommendations made, to the user or the person, to the intermediate resource, family-type resource, institution, community organisation or holder of nursing home accreditation concerned, and to the regional board.

Notification.

An intermediate resource, family-type resource, institution, community organisation, holder of nursing home accreditation or regional board that receives a recommendation from the complaints commissioner must, within 30 days of reception, inform the complaints commissioner and the user or person who filed the complaint of the action it intends to take in response, or, if it intends to take no action, of the reasons for its decision.

1991, c. 42, s. 62; 1998, c. 39, s. 25.

Advice.

62.1. The complaints commissioner may, whenever he considers it necessary, advise the Minister on any matter relating to the respect of users' rights and the subjects of users' complaints.

1998, c. 39, s. 26.

Term of office.

63. The commissioner shall be appointed for a term of not more than five years. He shall remain in office at the expiry of his term until reappointed or replaced.

Remuneration.

The Government shall fix the salary or fees and the other terms of employment of the commissioner.

1991, c. 42, s. 63.

Replacement.

64. If the complaints commissioner is absent or unable to act, he may be replaced by a person appointed by the Government to exercise the commissioner's functions and powers for the duration of his absence or inability to act. The Government shall fix, as the case may be, the salary or fees and the other terms of employment of that person.

1991, c. 42, s. 64; 1999, c. 40, s. 269.

Personnel.

65. The personnel needed by the complaints commissioner shall be appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1).

Duties and powers.

The commissioner shall define the duties of the personnel members at his disposal and shall direct their work. He may delegate, in writing, the exercise of each of his powers.

1991, c. 42, s. 65.

Written mandates.

65.1. The complaints commissioner may give a person who is not a member of the complaints commissioner's personnel a written mandate to carry out an inquiry or to seek a settlement between the interested parties, and require that the person submit a report within the time fixed by the complaints commissioner.

Provision applicable.

The last paragraph of section 56 applies, with the necessary modifications to the person.

1998, c. 39, s. 27.

DIVISION V

USER'S RECORD OF COMPLAINT

Content.

66. The content of the record of a user's complaint shall be determined by regulation under paragraph 23 of section 505.

1991, c. 42, s. 66.

Access.

67. The provisions of sections 17 to 28 apply to every record kept by an institution, a regional board or the complaints commissioner in the performance of functions entrusted to them by Divisions I, II and IV, respectively.

1991, c. 42, s. 67.

DIVISION VI

REPORTS

Reports.

68. Each institution shall send to the regional board, once a year and whenever required by the board, a report on the application of the complaint examination procedure.

Content.

The report shall describe the grounds on which complaints were made and indicate for each type of complaint,

- (1) the number of complaints received, dismissed after a brief examination, examined, refused or abandoned since the last report;
- (2) the time needed for the examination of complaints;
- (3) the action taken following their examination.

1991, c. 42, s. 68.

Report to the Minister.

69. Each regional board must send to the Minister, once a year and whenever required by him, a report compiling all the reports received from each institution.

Content.

Each report shall describe the types of complaints received and indicate for each type,

- (1) the number of complaints received, dismissed on summary examination, examined, refused or abandoned since the last report;
- (2) the action taken following their examination;
- (3) the name of each institution concerned;
- (4) the time needed for the examination of complaints.

Content.

In addition, the report shall describe the kinds of complaints filed with the board and indicate for each kind,

- (1) the number of complaints received, dismissed on summary examination, examined, refused or abandoned since the last report;
- (2) the time needed for the examination of complaints;
- (3) the action it has taken following their examination.

1991, c. 42, s. 69; 1998, c. 39, s. 28.

Report to the complaints commissioner.

69.1. Each institution and regional board must send to the complaints commissioner, whenever required by him, a report concerning the complaints under examination.

1998, c. 39, s. 29.

Commissioner's report.

70. The complaints commissioner must send to the Minister, once a year and whenever required by him, a report on the application of the complaint examination procedure.

Content.

The report shall describe the grounds on which complaints received are founded and shall indicate, for each type of complaint,

- (1) the number of complaints received, dismissed on summary examination, examined, refused or abandoned since the last report;
- (2) the action taken after examination.

Content.

The complaints commissioner may also, in the report, give his opinion on the following matters:

- (1) the degree of satisfaction of users of institutions, intermediate resources and family-type resources, users of the services of community organisations and persons residing in an accredited nursing home, and whether or not their rights are respected;
- (2) the complaint examination procedures established by institutions, regional boards and the complaints commissioner.

1991, c. 42, s. 70; 1998, c. 39, s. 30.

Tabling.

71. The Minister shall table the reports of the regional boards and the report of the complaints commissioner before the National Assembly within 30 days of receiving them or, if it is not in session, within 30 days of resumption.

1991, c. 42, s. 71.

CHAPTER IV

OTHER COMPLAINTS

Complaints against nursing homes or community resources.

72. Every user of the services of a community organisation referred to in section 334 and every person residing in a nursing home accredited for purposes of subsidies within the meaning of section 454 may file a complaint with the regional board on services he has or should have received from the organisation or home.

Provision applicable.

Section 43, applies, with the necessary modifications to such a complaint.

1991, c. 42, s. 72; 1998, c. 39, s. 31.

Views.

73. The procedure for the examination of complaints established by the regional board under section 43 must enable the person referred to in section 72 and the organisation or the person holding the accreditation of the nursing home to present their views to the regional board.

1991, c. 42, s. 73; 1998, c. 39, s. 32.

Written and verbal complaints.

74. The complaint may be made in writing or verbally.

Assistance.

The complaints officer responsible for the application of the complaints examination procedure must assist or ensure that assistance is given to the person who requires it for the formulation of his complaint or for any step he wishes to take in relation to that complaint.

1991, c. 42, s. 74; 1998, c. 39, s. 33.

Notice.

75. The complaints officer of the regional board must give the person referred to in section 72 who has filed a complaint in writing a written notice indicating the date on which his complaint was received.

Time limit.

The complaints officer must examine the complaint within 45 days of receiving it.

Conclusions and recourses.

Before the expiry of the time limit, he must inform the person of his conclusions and give the reasons on which they are based and of the terms and conditions governing the remedy available to him before the complaints commissioner. If the complaint is in writing, the information must be given in writing. He must

also inform the community organisation or holder of nursing home accreditation, as the case may be, of his conclusions without delay.

Presumption.

Where the complaints officer fails to inform the person of his conclusions within the time limit prescribed in the second paragraph, he is deemed to have transmitted negative conclusions on the date on which the prescribed time expires. Such a failure shall give rise to an examination by the complaints commissioner.

1991, c. 42, s. 75; 1998, c. 39, s. 34.

Frivolous complaints.

76. The complaints officer of the regional board may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith and inform the person. He must do so in writing if the complaint is in writing.

1991, c. 42, s. 76; 1998, c. 39, s. 35.

CHAPTER V

POWERS OF SUPERVISION AND SUBROGATION

Interpretation.

77. Nothing in this Act may be construed as limiting the powers of the revisory committees established by section 41 of the Health Insurance Act (chapter A-29) or of the professional orders governed by the Professional Code (chapter C-26).

Professional orders.

The representatives of the professional orders governed by the Professional Code shall have access to any facility maintained by an institution for the performance of the functions which the professional orders must fulfil to ensure protection of the public.

1991, c. 42, s. 77; 1992, c. 21, s. 6; 1994, c. 40, s. 457.

Subrogation.

78. The Gouvernement du Québec is subrogated by operation of law to any user with respect to any right of recovery against a third person up to the cost of the services it has assumed following injury caused through the fault of that third person.

Reduction.

In case of contributory negligence the amount of such subrogation shall be subject to reduction in the same proportion as the user's remedy.

Transaction.

The Minister has the power to transact on any claim arising from this section and he may delegate that power.

Insurer's obligation.

The insurer of the liability of a third person shall not discharge his obligation to indemnify the latter for his liability under this section otherwise than by payment.

Nullity of undertaking.

An undertaking by a person to discharge a third person's or an insurer's liability under this section or to compensate him for it is shall be deemed unwritten in any agreement, transaction or release.

Domain of the State.

The rights acquired by the effect of the subrogation provided for in this section are part of the domain of the State from the time they arose and are subject to the rules applicable to rights included therein; however, the resulting right of action is prescribed by three years.

1991, c. 42, s. 78; 1999, c. 40, s. 269.

§2. — Composition of the board

1. Mode of appointment of members

Members.

129. The board of directors of the institutions referred to in each of sections 119 to 124 shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

- (1) four persons elected by the population at the election held pursuant to section 135;
- (2) three persons elected by and from among the persons employed by the institutions or practising their professions in

one of the centres operated by the institutions, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional orders;

(3) two persons elected by the users' committees of the institutions or, if there is only one institution with a users' committee, appointed by that committee;

(4) three persons appointed by the members of the legal person where one of the institutions concerned is a legal person designated by the Minister under section 139 or, if there is more than one institution of that type, appointed jointly by the members of the legal persons;

(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;

(6) one person appointed by the members referred to in paragraphs 1 to 5 and chosen from a list of names provided by bodies representing the school sector, where one of the institutions concerned operates a centre serving children;

(7) the executive director of the institutions concerned;

(8) two persons, in the case of an institution referred to in section 119, or four persons, in the case of an institution referred to in sections 120, 121 and 124, appointed by the members referred to in paragraphs 1 and 3 to 6.

1991, c. 42, s. 129; 1994, c. 40, s. 457; 1996, c. 36, s. 4; 1998, c. 39, s. 44.

Child and youth protection and rehabilitation centre.

130. The board of directors of the institutions referred to in section 125 shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) four persons elected by the population at the election held pursuant to section 135;

(2) one person elected by and from among the persons employed by the institutions which operate rehabilitation centres for young persons with adjustment problems or for mothers with adjustment problems or the persons practising their professions in one of the centres operated by the institutions, one person elected by and from among the persons employed by the institution operating the child and youth protection centre and one person elected by and from among the persons employed by one of the institutions or practising in one of the centres operated by one of the institutions; however, in the case of an institution operating a child and youth protection centre and also, alone or with other institutions, a rehabilitation centre for young persons with adjustment problems or for mothers with adjustment problems, the three persons elected must be elected by and from among the persons working for the institution or institutions concerned or practising their professions in one of the centres operated by the institution or institutions concerned and must, in all cases, hold different position titles and, where applicable, be members of different professional orders;

(3) one person appointed by the users' committee of the institution operating the child and youth protection centre and another person elected by the users' committees of the other institutions; however, where the institution operating the child and youth protection centre also operates, jointly with other institutions, a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be elected by the users' committees of all those institutions and, where the institution operating the child and youth protection centre is the only institution operating a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be appointed by the users' committee of that institution;

(4) three persons appointed by the members of the legal person where one of the institutions concerned is a legal person designated by the Minister under section 139 or, if there is more than one institution of that type, appointed jointly by the members of the legal persons;

(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;

(6) two persons appointed by the members referred to in paragraphs 1 to 5, one of whom must be chosen from a list of names provided by bodies representing the judicial sector and the other after consultation with bodies representing the education sector;

(7) the executive director of the institutions concerned;

(8) four persons appointed by the members referred to in paragraphs 1 and 3 to 6.

1991, c. 42, s. 130; 1994, c. 40, s. 457; 1996, c. 36, s. 5; 1998, c. 39, s. 45.

Local service centre and health care centre.

131. The board of directors of an institution which operates a local community service centre or of an institution designated as a health care centre shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) five persons elected by the population at the election held pursuant to section 135;

(2) three persons elected by and from among the persons employed by the institution or practising their professions in one of the centres operated by the institution, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional orders; however, in the case of an institution which operates both a local community service centre and a hospital centre, four persons or, where the institution has entered into a service contract under section 259.2 with not fewer than five midwives, five persons shall be elected, one by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institution, one by and from among the nurses employed by the institution, one, where applicable, by and from among the midwives who have entered into such a contract, one by and from among the members of the multidisciplinary council referred to in section 226, including persons performing nursing assistant activities for the institution, and the last by and from among the other persons employed by the institution;

(3) where applicable, two persons appointed by the users' committee of the institution;

(3.1) three persons appointed by the members of the legal person where the institution is a legal person designated by the Minister pursuant to section 139;

(4) where applicable, one person or, if paragraph 3.1 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;

(5) the executive director of the institution;

(6) two persons appointed by the members referred to in paragraphs 1 and 3 to 4.

1991, c. 42, s. 131; 1992, c. 21, s. 11, s. 70; 1994, c. 40, s. 457; 1996, c. 36, s. 6; 1998, c. 39, s. 46; 1999, c. 24, s. 27.

Composition.

131.1. The board of directors of the institutions referred to in section 126.1 shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) five persons elected by the population at the election held under section 135;

(2) two persons elected by and from among the persons employed by the institution operating the local community service centre or practising their profession in the centre and one person elected by and from among the persons employed by the other institution or institutions concerned or practising their profession in one of the centres operated by the institution or institutions; however, if among the other institutions concerned, an institution or institutions operate only a residential and long-term care centre and an institution or institutions operate either a hospital centre with less than 50 beds or both a residential and long-term care centre and a hospital centre with less than 50 beds, one of the three persons shall be elected by and from among the persons employed by the institution operating the local community service centre or practising their profession in the centre, the second shall be elected by and from among the persons employed by the institution or institutions operating only a residential and long-term care centre or practising their profession in the centre operated by that institution or those institutions and the third person shall be elected by and from among the persons employed by the other institution or institutions concerned or practising their profession in one of the centres operated by that institution or those institutions; moreover, in the case of the institutions referred to in the second paragraph of section 126.1, the three persons elected shall be elected by and from among the persons employed by the institutions or practising their profession in a centre operated by the institutions; the elected persons shall, in all cases, hold different position titles and, where applicable, be members of different professional orders;

(3) where applicable, two persons elected by the users' committees of the institutions or, if there is only one institution with such a committee, appointed by that committee;

(4) three persons appointed by the members of the legal person, where one of the institutions concerned is a legal person designated by the Minister under section 139 or, if more than one institution is such a legal person, appointed jointly by the members of the said legal persons;

(5) where applicable, one person appointed by the board of directors of the foundation of the institution operating the local community service centre or, if there is more than one foundation for that institution, elected jointly by the boards of directors of those foundations and, if paragraph 4 cannot be applied, one person appointed by the board of directors of the foundation of one of the other institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned; however, in the case of the institutions referred to in the second paragraph of section 126.1, one person shall be appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;

(6) the executive director of each institution concerned;

(7) two persons appointed by the members referred to in paragraphs 1 and 3 to 5.

1996, c. 36, s. 7; 1998, c. 39, s. 47.

Hospital centre and long-term care centre.

132. The board of directors of an institution which operates a hospital centre or of an institution which operates both a residential and long-term care centre and a general and specialised hospital centre with 50 beds or more shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) four persons elected by the population at the election held pursuant to section 135;

(2) one person elected by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institution, one person elected by and from among the nurses employed by the institution, one person

elected by and from among the members of the multidisciplinary council, including persons performing nursing assistant activities for the institution, and one person elected by and from among the other persons employed by the institution;

(3) where applicable, two persons appointed by the users' committee of the institution;

(4) three persons appointed by the members of the legal person where the institution concerned is a legal person designated by the Minister under section 139;

(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;

(6) the executive director of the institution;

(7) four persons appointed by the members referred to in paragraphs 1 and 3 to 5.

1991, c. 42, s. 132; 1992, c. 21, s. 12, s. 70; 1996, c. 36, s. 8; 1998, c. 39, s. 48.

§6. — *Users' committee*

Users' committee.

209. Each institution shall, once it operates a residential and long-term care centre of 20 beds or more, a rehabilitation centre, a psychiatric hospital centre or a child and youth protection centre, set up a committee for the users of those centres and, in the case of a public institution or of a private institution which is a party to an agreement under section 475, allocate to it the special budget provided for that purpose in its operating budget or, in the case of a private institution which is not a party to an agreement, the amount paid for that purpose by the Minister.

Users' request.

An institution which operates a residential and long-term care centre of less than 20 beds, a general and specialised hospital centre or a local community service centre may set up such a committee at the request of the users to whom it provides services.

Composition.

The committee shall be composed of at least five members elected by the users of the institution. A majority of the members must be users. However, where it is impossible to obtain a majority of users on the committee, the users may elect any other person of their choice, provided the person is not a person working for the institution or practising a profession in a centre operated by the institution.

Several facilities.

Where the institution operates more than one centre or uses several facilities for the same centre, the composition of the committee must ensure an equitable representation of the users of each of those centres and of the users lodged in each of those facilities.

1991, c. 42, s. 209; 1992, c. 21, s. 24, s. 70; 1998, c. 39, s. 73.

Exclusion.

210. No person under curatorship may be a member of a users' committee.

1991, c. 42, s. 210.

Duties of executive director.

211. The executive director of the institution must foster the proper functioning of the users' committee and inform, in writing, every user of the existence of the committee.

Facilities and records.

He must make a room available for the activities of the users' committee and make it possible for the committee's records to be kept confidential.

1991, c. 42, s. 211.

Functions.

212. The functions of the users' committee are

(1) to inform users of their rights and obligations;

(2) to foster the improvement of the quality of the living conditions of users and assess the degree of satisfaction of users with regard to the services obtained from the institution;

(3) to defend the common rights and interests of users or, at the request of a user, his rights and interests as a user before the institution or any competent authority;

(4) to accompany and assist a user, on request, in any action he undertakes, including the filing of a complaint in accordance with Divisions I, II and IV of Chapter III of Title II.

Rules and report.

In addition, the users' committee must adopt operating rules, submit an annual report of its activities to the board of directors and, on request, transmit a copy of that report to the regional board.

1991, c. 42, s. 212; 1998, c. 39, s. 74.

PART III

COORDINATION, CONTROL AND REGULATION OF SERVICES AND SOCIAL SERVICES

TITLE I

REGIONAL INSTITUTIONS

CHAPTER I

REGIONAL HEALTH AND SOCIAL SERVICES BOARDS

DIVISION I

STATUS AND OBJECTS

Establishment.

339. The Government shall establish, for each region it delimits, a regional health and social services board.

1991, c. 42, s. 339.

Objects.

340. The main object of a regional board is to plan, organise, implement and evaluate, in the region, the orientations determined and policies established by the Minister.

Objects.

The other objects of a regional board are

(1) ensuring public participation in the management of the public network of and ensuring that users' rights are protected;

(2) formulating priorities in matters of health and welfare according to the needs of the population of the region and within the scope of the objectives fixed by the Minister;

(3) establishing service organisation plans in its territory and evaluating the effectiveness of services. Any part of the service organisation plans dealing with medical services requires the advice of the regional medical commission established under section 367 which shall be obtained in the manner provided for in subparagraph 1 of the first paragraph of section 369 and the advice of the regional department of general medicine established pursuant to section 417.1;

(4) allocating the budgets intended for the institutions and granting subsidies to community organisations and accredited private resources;

(5) ensuring the coordination of the special medical activities of physicians who are under agreement pursuant to section 360 and the activities of the institutions, community organisations, intermediate resources and nursing homes accredited for the purposes of subsidies under section 454 and promoting their cooperation with the other agents of community development;

(6) implementing measures for the protection of public health and for the social protection of individuals, families and groups;

(7) ensuring economical and efficient management of the human, material and financial resources at its disposal.

1991, c. 42, s. 340; 1992, c. 21, s. 35; 1996, c. 36, s. 31; 1998, c. 39, s. 98.

Name.

341. The name of a regional board must include the expression "regional board" and indicate the region for which it is established.

1991, c. 42, s. 341.

Legal person.

342. A regional board is a legal person.

1991, c. 42, s. 342; 1996, c. 36, s. 51; 1999, c. 40, s. 269.

By-laws.

342.1. Each regional board may adopt the by-laws needed to conduct its affairs and exercise its responsibilities. It must adopt by-laws for each matter determined in a regulation made under paragraph 6 of section 505, where the matter falls within the competence of the regional board.

Copies.

A copy of the by-laws adopted by a regional board must be forwarded to the Minister at the Minister's request.

1998, c. 39, s. 99.

DIVISION II

SPECIAL FUNCTIONS

§1. — *Functions in respect of the population and the rights of users*

Duties.

343. The regional board shall see that mechanisms for public participation provided for in this Act, such as users' committees, are implemented.

Elections and appointments.

The regional board shall supervise the election and appointment of the members of the board of directors of public institutions where such election or appointment is provided for by this Act.

1991, c. 42, s. 343; 1996, c. 36, s. 32.

Information of users.

344. The regional board must, in addition to the functions entrusted to it by sections 42 to 53.1, inform the users in its territory of the health and social services available to them and of their rights, recourses and obligations in that respect.

1991, c. 42, s. 344; 1998, c. 39, s. 100.

Complaints.

345. The regional board shall ensure that each institution establishes and implements a complaint examination procedure.

1991, c. 42, s. 345.

§2. — *Functions relating to priorities in matters of health and welfare*

Functions.

346. The regional board shall see to it that health and welfare priorities are respected and that health and welfare objectives are achieved. To that end, it shall

- (1) ensure that the information on the health of the population in the region is up to date and accessible;
- (2) identify the needs of the population for the preparation of regional service organisation plans;
- (3) inform the Minister of the needs of the population for the preparation and update of the health and welfare policy and health and social services policies;
- (4) assess, at intervals determined by the Minister, the effectiveness of the health and social services, the extent to which the objectives pursued have been achieved and the extent to which users are satisfied with the services;
- (5) prepare and implement, in accordance with the directives of the Minister, assessments of the programs of services in which the institutions participate;
- (6) carry out any specific mandate entrusted to it by the Minister.

Nominative information.

In exercising the functions enumerated in the first paragraph, the regional board must refrain from reporting any information or document that would allow the user of an institution or a person using the services of a community organisation to be identified.

1991, c. 42, s. 346; 1996, c. 36, s. 33; 1998, c. 39, s. 101.

§3. — *Functions relating to the organisation of services*

Organisation plans.

347. A regional board must, in collaboration with the institutions and community organisations in its region and, where applicable, with persons involved in sectors of activity having an impact on health and social services, develop and implement service organisation plans.

Organisation plans.

The plans must be consistent with the orientations determined and policies established by the Minister.

Content.

In addition, the plans shall identify the services required to respond to the needs of the population in the region, taking into account

- (1) *(subparagraph repealed)*;
- (2) the health and social resources in the region, particularly those of community organisations;
- (3) the mission of the centres operated by the institutions of the region;
- (4) the financial resources identified for such purposes;
- (5) the social, cultural and linguistic characteristics of the population of the region and, where applicable, of the institutions of the region coming under section 348;
- (6) the organisation of teaching and research taking place in the institutions of the region.

Midwifery services.

The plans must identify the institutions operating a local community service centre which are authorised to offer midwifery services and which may enter into a service contract to that effect with a midwife pursuant to section 259.2.

Contribution specified.

The plans must specify the contribution expected from each institution and each community organisation in the region in order to achieve the objectives formulated in the policy.

Cancellation.

The Minister may, subject to the rights of third persons, cancel a decision made by a regional board pursuant to a service organisation plan that is inconsistent with the Minister's orientations and policies.

Approval.

The part of the plans dealing with the highly specialised services determined by the Minister that are provided by the institutions in the region, and the part dealing with the services for which an institution has been granted a suprarregional vocation by the Minister pursuant to paragraph 1 of section 112, must be submitted to the Minister for approval.

1991, c. 42, s. 347; 1996, c. 36, s. 34; 1998, c. 39, s. 102; 1999, c. 24, s. 36.

Services to English-speaking population.

348. Each regional board, in collaboration with institutions, must develop a program of access to in the English language for the English-speaking population of its area in the centres operated by the institutions of its region that it indicates or, as the case may be, develop jointly, with other regional boards, such a program in centres operated by the institutions of another region.

Institutional resources.

Such an access program must take into account the human, financial and material resources of institutions and include any institution in the region designated under section 508.

Approval.

The program must be approved by the Government and revised at least every three years.

1991, c. 42, s. 348.

Cultural characteristics.

349. Each regional board must, in concert with the bodies representing the cultural communities and the institutions of its region, facilitate accessibility to health and social services in a manner which is respectful of the characteristics of those cultural communities.

1991, c. 42, s. 349.

CHAPTER II

TRANSITIONAL PROVISIONS

DIVISION I

FIRST BOARDS OF DIRECTORS OF PUBLIC INSTITUTIONS

Date of election.

598. The Minister shall determine on what day of what month the elections and appointments provided for in sections 135 and 137 must take place.

1991, c. 42, s. 598.

Public meeting.

599. For the purpose of holding the public meeting which must be held under section 135, the population shall be invited to attend by the board of directors formed under the Act respecting (chapter S-5).

Persons considered to be elected.

However, in the case of institutions referred to in any of sections 119 to 124, provided that each section concerns more than one institution, four persons elected by and from among the persons appointed by the Minister under paragraph *c* of sections 79 and 82 of the Act respecting health services and social services are considered to be the persons elected by the population for the purposes of paragraph 1 of section 129.

Persons considered to be elected.

Similarly, in the case of institutions referred to in section 125, four persons elected by and from among the members elected by users under paragraph *a* of section 81 and by the members appointed by the Minister under paragraph *c* of sections 81 and 82 of the Act respecting are considered to be the persons elected by the population for the purposes of paragraph 1 of section 130. Two of those persons must however be members elected or appointed under paragraphs *a* and *c* of section 81 of the said Act and the remaining two members must be appointed under paragraph *c* of section 82 of the said Act.

Vacancy.

In cases where only two out of four positions can be filled pursuant to the third paragraph because there is no institution operating a child and youth protection centre in the region, the Minister shall appoint two other persons who shall also be considered to be persons elected by the population for the purposes of paragraph 1 of section 130.

1991, c. 42, s. 599; 1992, c. 21, s. 63.

Members of users' committee.

600. The members of the beneficiaries' committee formed under the Act respecting (chapter S-5) are considered to be the members of the users' committee of an institution for the purposes of paragraph 3 of both section 131 and section 132.

Persons considered to be elected.

In the case of institutions referred to in any of sections 119 to 125, two persons elected by and from among the persons elected under paragraph *a* of sections 79 and 82 of the Act respecting are considered to be the persons elected for the purposes of paragraph 3 of section 129 or 130, as the case may be.

1991, c. 42, s. 600.

Designated legal person.

601. With regard to the composition of its first board of directors, every public institution whose board of directors is composed of members who were elected under paragraph *j* of section 79, paragraph *i* of section 81 or paragraph *j* of section 82 of the Act respecting (chapter S-5) is deemed to be a legal person designated by the Minister under section 139.

More than one designated legal person.

Such elected members are considered to be the persons appointed under paragraph 4 of section 129 or 130, paragraph 3.1 of section 131 or paragraph 4 of section 132, as the case may be. However, for the purposes of paragraph 4 of each of sections 129 and 130 where more than one institution is deemed to be a legal person designated by the Minister, three persons shall be appointed, by and from among the elected members of those institutions.

1991, c. 42, s. 601; 1992, c. 21, s. 64; 1996, c. 36, s. 51.

Final decision.

601.1. A public institution which, pursuant to section 601, is deemed to be a legal person designated by the Minister under section 139, continues to be deemed to be a designated

corporation until a final decision has been made on an application for designation filed under section 139, provided the application was filed before 1 October 1995.

1995, c. 28, s. 7; 1996, c. 36, s. 51.

Power of appointment.

602. The Minister shall exercise the power of appointment conferred on the regional board in the cases provided for in section 147.

1991, c. 42, s. 602.

Term of office extended.

603. The term of office of the members of the first boards of directors is extended, notwithstanding section 149, to the month of October of the year following the year of the third anniversary of the forming of those boards.

1991, c. 42, s. 603; 1995, c. 28, s. 8.

CHAPTER II.1

OTHER TRANSITIONAL PROVISIONS

Presumption.

619.8. The organisation plan of an institution drawn up in accordance with sections 69 to 70.0.1 of the Act respecting is deemed to be the organisation plan that an institution is required to prepare under sections 183 to 187, and shall continue to apply until revised in accordance with those sections.

Revision.

The Government shall fix the date from which every institution must undertake the revision of its organisation plan in accordance with those sections.

1992, c. 21, s. 68.

Organisation plan.

619.9. The rules governing the use of resources drawn up by the head of a clinical department in accordance with section 71.1 of the Act respecting health services and social services are deemed to be the rules provided for under section 189 and shall continue to apply until they are revised to bring them into conformity with that section, where necessary.

Revision.

The Government shall fix the date from which the head of the clinical department must undertake the revision of such rules in accordance with section 189.

1992, c. 21, s. 68.

Director of nursing care.

619.10. The director of nursing care of an institution shall continue to exercise his functions in accordance with the applicable provisions of the Act respecting until 1 April 1993 or any later date determined by the Government. From that date, the director of nursing care shall carry out the functions enumerated in sections 207 and 208.

Appointment.

Every institution which has no director of nursing care and which, pursuant to section 206, is required to appoint such a director shall proceed with the appointment before the date mentioned in the first paragraph.

1992, c. 21, s. 68.

Presumption.

619.11. The beneficiaries' committee established by an institution in accordance with section 118.1 of the Act respecting health services and social services is deemed to be the users' committee provided for under section 209 until 1 April 1993 or any later date determined by the Government. From that date, the composition of the committee must be as prescribed in section 209 and it shall carry out the functions enumerated in section 212.

Users' committee.

An institution which has no beneficiaries' committee and which, pursuant to section 209, is required to set up a users' committee must do so before the date mentioned in the first paragraph.

1992, c. 21, s. 68.

Council of physicians, dentists and pharmacists.

619.12. The council of physicians, dentists and pharmacists constituted in an institution in accordance with section 111 of the Act respecting health services and social services, and its executive committee formed under section 113 of the said Act are deemed to be the council of physicians, dentists and pharmacists established under section 213 and the executive committee formed under section 217 until 1 April 1993 or any later date determined by the Government. From that date, the composition of the executive committee must be as prescribed in section 217 and the council of physicians, dentists and pharmacists shall then exercise the functions listed in sections 214 and 215.

Council of physicians, dentists and pharmacists.

An institution which has no council of physicians, dentists and pharmacists and for which, pursuant to section 213, such a council is established, shall ensure that the council is in a position to exercise its functions not later than the date mentioned in the first paragraph.

1992, c. 21, s. 68.

Council of nurses, nursing assistants committee and multidisciplinary council.

619.13. Every public institution shall ensure that the council of nurses, the nursing assistants committee and the multidisciplinary council, provided for in sections 219, 223 and 226 respectively, are in a position to exercise their functions not later than 1 April 1993 or any later date determined by the Government.

Clinical staff advisory council.

Until that date the clinical staff advisory council constituted in an institution in accordance with section 108 of the Act respecting health services and social services and its executive committee formed according to section 110 of that Act shall continue to exercise their functions.

Transfer of records.

On the date mentioned in the first paragraph, the records and other documents of the clinical staff advisory council and its executive committee shall be transferred to the council of nurses and to the multidisciplinary council and to their executive committees according to their respective requirements.

1992, c. 21, s. 68.

CHAPTER III

FINAL PROVISIONS

C. S-5 replaced in part.

620. This Act replaces the Act respecting (chapter S-5) except to the extent that it applies to the territory of the James Bay Cree health and social services council and except to the extent that it concerns the emergency pre-hospitalisation service contemplated in Division VI.1.

1991, c. 42, s. 620; 1992, c. 21, s. 69; 1993, c. 58, s. 2.

Minister responsible.

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

1991, c. 42, s. 621.

The Minister for Health, Social Services and Youth Protection exercises, under the authority of the Minister of Health and Social Services, the functions with respect to the administration of this Act. O.C. 1513-98 dated 15 December 1998, (1999) 131 G.O. 2 (French), 77. The Minister of Health and Social Services is authorised to delegate to the Régie de l'assurance maladie du Québec the exercise of functions related to the contribution of adults sheltered in a facility maintained by a public or private institution under agreement within the meaning of this Act and that are conferred on the Minister by this Act and the relevant regulations made thereunder. O.C. 520-99 dated 5 May 1999, (1999) 131 G.O. 2 (French), 2082.

REGULATION CONCERNING THE PROCEDURE FOR ELECTING OR APPOINTING THE MEMBERS OF THE BOARDS OF DIRECTORS OF PUBLIC HEALTH AND SOCIAL SERVICES INSTITUTIONS OTHER THAN THOSE ELECTED BY THE POPULATION

Act respecting health and services and social services
(R.S.Q., ch.S-4.2, s.137)

**CHAPTER I
GENERAL PROVISIONS
PART I**

Scope

1. This regulation applies to the election and appointment of members of the Boards of Directors of the public institutions, other than those elected by the population, for which the procedure must be established in compliance with section 137 of the Act respecting health services and social services (R.S.Q., ch.S-4.2).

PART II

Date of elections and appointments

2. The elections and appointments referred to in this regulation shall take place in the month of September or October of the year in which the election by the population is held pursuant to section 135 of the Act, with the exception of appointments referred to in paragraph 6 of each of sections 129 and 130, which shall be made within 30 days after the holding of this election by the population.

PART III

Returning officer

3. Before an election is held or an appointment is made, a Returning Officer must be appointed by the regional health and social services board. This appointment takes place at least 45 days prior to the date of election or appointment. In the event the Returning Officer is absent or unable to act, the regional board shall make a new appointment.
4. The functions and duties of a Returning Officer are as follows:
 - 1° draft the voter's list, if applicable;
 - 2° give notice of election;
 - 3° receive nominations and accept or reject them;
 - 4° forward the slate of candidates to the Executive Director of each institution;
 - 5° inform voters and candidates of the election procedures;
 - 6° appoint deputy returning officers to assist the Returning Officer in his or her duties;
 - 7° oversee the election process;
 - 8° check the eligibility of electors, notably by requiring that they provide identification when deemed advisable;
 - 9° count the ballots;
 - 10° reject irregular ballots, in accordance with article 27 of this regulation;
 - 11° complete the certificates provided in Appendices II, V or VI, and forward a copy of Appendices I, II, V and VI to the regional board;
 - 12° forward the original of Appendices I to VI to the Executive Director of the institution.
5. In the event an institution has a number of installations, the Regional Board may allow the election to be held in more than one installation and appoint an Assistant Returning Officer for each installation. The same applies when several institutions are involved in electing the same Board of Directors.
6. An Assistant Returning Officer performs the following duties under the authority of the Returning Officer:

- 1° give notice of election;
- 2° receive nominations and forward the to Returning Officer;
- 3° inform voters and candidates of election procedures;
- 4° appoint deputy returning officers to assist him or her in the performance of his or her duties;
- 5° oversee the election process;
- 6° check the eligibility of electors, notably by requiring that they provide identification when deemed advisable;
- 7° count the ballots;
- 8° reject irregular ballots, in accordance with article 27 of this regulation;
- 9° forward the voting results to the Returning Officer;
- 10° forward the nomination papers and ballots to the Returning Officer.

7. The Returning Officer and Assistant Returning Officer are entitled to vote in the election or appointment which they oversee.

PART VI

Counting Votes, election Proclamation and Publication of Results

26. The Returning Officer or the Assistant Returning Officer shall count the votes with the deputy returning officers. Candidates and their representatives may observe the counting of the votes.
27. The Returning officer or the Assistant Returning Officer can reject any ballot that:
 - 1° was not provided by the deputy returning officer;
 - 2° does not include the initials of the deputy returning officer;
 - 3° is not marked;
 - 4° was marked in favour of more candidates than required;
 - 5° was marked in favour of a person who is not a candidate;
 - 6° was marked somewhere other than in the place set aside for this purpose;
 - 7° includes whimsical or offensive remarks;
 - 8° is marked in a way that identifies the elector.However, a ballot cannot be rejected by virtue of subsection 2 of the first paragraph when the number of ballots in the ballot box correspond with the number of ballots cast according to the electoral list. The deputy returning officer initials the back of the ballot in question with a note indicating the correction, in the presence of the Returning officer or the Assistant Returning Officer and representatives of any candidates who wish to be present. The Returning Officer or the Assistant Returning Officer disqualifies a ballot by writing "nul" on it and initialling it.

**CHAPTER III
APPOINTMENT OR ELECTION BY THE USERS'
COMMITTEE**

**Procedure to be followed when there is only one Users'
Committee**

PART I

APPOINTMENT BY THE USERS' COMMITTEE

**Notice of appointment and list of the members of the Users'
Committee**

31. No later than 40 days prior to the date of the election, the Executive Director must forward to the Returning Officer the list of the members of the Users' Committee of the institution affected by the election. The list must include the address of each member.
32. An individual whose name does not appear on the list of all of the members of the Users' Committee or who notices an

error may contact the Returning Officer to have correction made.

33. No later than 35 days prior to the date of the election, the Returning Officer will give the Users' Committee notice that it has the right to appoint two person to the board of directors.

A certified copy of the resolution of the Users' Committee in which the appointment is made, must be adopted in a meeting where the majority of the members are present and must be forwarded to the Returning Officer before the date mentioned in the notice referred to in the first subsection. It must be accompanied by the original nomination papers duly filled in (Appendix 1).

34. The Returning Officer fills in the nomination certificate (Appendix VI) and sends a copy of Appendix I and VI and the certified copy of the committee resolution to the Regional Board within ten days. Within the same timeframe, he will send the originals of the Appendix I and IV and the certified copy of the resolution to the Executive Director of the institution.
35. If there is no appointment, the Returning Officer must advise the Regional Board within three days.

Procedure to be applied where there is more than 1 Users' Committee

PART II

Notice of Election and Voters' List

36. No later than 40 days prior to the date of the election, the Executive Director must forward to the Returning Officer the list of the members of Users' Committees of each institution affected by the election. The list must include the address of each member.

37. The notice of the election of two individuals to the Board of Directors by the members of the Users' Committees shall be forwarded by the Returning Officer to each member of the committee or committees no later than 35 days prior to the date of the election.

The notice of election must mention the restrictions indicated in section 150 and in paragraph 3 of section 151 of the Act, as well as terms and conditions for nominations provided in section 39.

The notice of election must be accompanied by a list of all the members of the Users' Committees.

38. An individual whose name does not appear on the list of all of the members of the Users' Committees or who notices an error may contact the Returning Officer to have the correction made.

PART III

Nominations

39. An candidate is proposed by means of a resolution of a Users' Committee adopted in a meeting at which the majority of the members of this Users' Committee are present. This resolution must be accompanied by the original of the nomination paper provided in Appendix I, which must be signed by the candidate.

This resolution, accompanied by the original of the nomination paper, must be remitted to the Returning Officer no later than 5:00 p.m., 25 days prior to the polling date.

40. The Returning Officer must accept or reject a nomination in writing no later than two days after receiving it. The grounds for refusing a nomination must be given.

PART IV

Return by Acclamation

41. At the close of nominations, if the number of candidates is less than or equal to the number of positions to fill, the Returning Officer shall declare the candidates elected. He

or she shall then complete the certificate of return by acclamation provided in Appendix II and forward a copy of Appendices I and II to the Regional Board within 10 days. He or she shall also forward a copy to the members of the Users' Committees. He or she shall also forward in the same time period the original copies of Appendices I and II to the Executive Director of each institution.

No later than 15 days prior to the polling date, the Executive Director must display in each installation of the institution, accessible to the members of the Users' Committees, a notice containing the names of the individuals elected and indicating that there will be no voting.

If, at the close of nominations, there is an insufficient number of candidates, the Returning Officer must notify the Regional Board within three days. He or she shall also forward in the same time period the nomination papers to the Executive Director of the institutions.

The provisions of this section apply in the absence of election at any other step in the procedure.

PART V

Slate of Candidates and Poll

42. At the close of nominations, if there are more candidates than the number of positions to be filled, the Returning Officer shall prepare the slate of candidates and the proclamation of a poll.

The Returning Officer shall, no later than 20 days prior to the polling date, forward to each member of the Users' Committee a notice indicating the date, time and location of the poll, as well as the slate of candidates.

Before the polling date, a Users' Committee shall send the Returning Officer a resolution adopted in a meeting at which the majority of the members of the Users' Committee are present, indicating the names of non more than two people from the list of candidates transmitted by the Returning Officer.

PART VI

Counting the Votes, Proclamation of Election and Publication of Results

43. The Returning Officer shall count the votes on voting day. The candidates and their representatives may observe the counting.

When the votes are counted, the individual or individuals, as applicable, who obtain the largest number of votes shall be declared elected by the Returning Officer.

In the event an equal number of votes elects more candidates than there are positions to fill, the Returning Officer shall draw lots among the candidates having obtained the same number of votes.

44. The Returning Officer shall complete the certificate of election according to Appendix V and forward a copy to the Regional Board within 10 days. He or she shall also display a copy of the certificate in each of the installation of the institution accessible to the members of the Users' Committees.

He or she shall also forward to the Regional Board in the same period a copy of the nomination paper of each candidate elected.

The Returning Officer shall remit in the same time period the original of the documents mentioned in paragraphs 1 and 2 and the original of the voting resolutions to the Executive Director of the institutions.

Appendix G
Guide for the production
of an activity report
and financial statement

**Quality
For
All**

**ANNUAL ACTIVITY REPORT AND
FINANCIAL STATEMENT**

**GUIDE
FOR MEMBERS OF
THE USERS' COMMITTEES**

Ronald McNeil

***DIRECTION DES RELATIONS AVEC LA COMMUNAUTÉ
PROGRAMME FOR THE CONTINUOUS
IMPROVEMENT IN SERVICE QUALITY AND
USER SATISFACTION***

FEBRUARY 1999

Introduction

The law respecting Health and social services stipulates that institutions which run residential long-term care centres with more than 20 beds, rehabilitation centres, psychiatric hospitals, and youth centres have the obligation to establish users' committees. Further, an institution that runs a residential long-term care centre with less than 20 beds, a general and specialised hospital centre, a local community service centre (CLSC), can, if the users so request, establish such committees. Users' committees form part of the institution.¹

Each institution that has established a Users' Committee receives a minimal annual subsidy from the **Regional Board of Health and Social Services of Montreal-Centre** (*Régie régionale de la santé et des services sociaux de Montréal-Centre*). This subsidy is reserved specifically for the activities of the Users' Committee covers the expenses incurred between the 1st of April and the 31st of the following March.

Each year the Users' Committee must submit an annual report to the board of directors of the institution and as requested by the Regional Board, a copy of the annual report submitted to the board of directors must be sent to the Regional Board. The regional board suggests that the annual report of the Users' Committee be annexed to the institution's annual report.

The proposed guide is aimed at helping members of Users' Committees in writing their activity reports. The objective of the guide is to provide a common frame of reference that is clear and simple to use in order to write a complete and informative report.

¹ (L.Q. 1991, c.42, Article 209)

Some Questions to begin with

1. When should we produce our annual activity report ?

The financial year for the institution ends on the 31st of March each year and the institution must submit its annual financial report no later than the following 30th of June². Generally the institution submits its annual activity report at the same time as the financial report. Should one wish to annexe the Users' Committee report with that of the institution it would be necessary to synchronise the production dates, which is to say between the end of the financial year (March 31) and the date the institution's board of directors is to submit its reports (before June 30).

2. Who should approve the activity report ?

The Users' Committee has the obligation to submit its activity report to the institution's board of directors³. The board of directors must receive the report. The board can receive the Users' Committee report as information or it can decide to adopt the report. As the board of directors administers the affairs of the institution and exercises all its powers ⁴ this includes the Users' Committee. Members of the board of directors may question the content of the report. Ultimately a Users' Committee that has abused its authority or that has misused its funds is accountable to the board of directors. One must remember that the board of directors is also responsible to see to the respect of users' rights⁵.

3. Must the activity report be submitted to the Regional Board ?

The Users' Committee must submit its report to the Regional Board upon request⁶. The Montreal-Centre regional board not only requests that a copy of the Users' Committee activity report be transmitted but requires that the report in order to justify its annual subsidy. As of April 1st 1998, the institution that does not submit an Users' Committee activity report is deemed not to have an active committee and is therefore no longer subsidised

² (L.Q.1991, c.42, Article 295) « L'établissement doit au plus tard le 30 juin de chaque année transmettre à la régie régionale son rapport financier annuel pour l'exercice financier écoulé. »

³ (L.Q.1991, c.42, Article 212) « Le comité des usagers doit ...soumettre chaque année un rapport d'activités au conseil d'administration...»

⁴ (L.Q.1991,c.42, Article 170)

⁵ (L.Q.1991,c.42, Article 172) « Le conseil d'administration doit...pour tout établissement qu'il administre s'assurer: ¹...de la qualité des services ² du respect des droits des usagers et du traitement diligent de leurs plaintes; »

⁶ (L.Q.1991, c.42, Article 212) « Le comité des usagers doit ... transmettre, sur demande une copie de ce rapport à la régie régionale »

The annual activity report

4. Contents of the report

The activity report should contain the following information:

1. a description of the functions of the Users' Committee ;
2. the list of the committee's priorities for the preceding year ;
3. the list of the members of the committee, its officers and , if necessary, the list of any sub-committees, their respective mandates and lists of their members ;
4. a word from the president of the committee, should he (she) so desire ;
5. the description of the committee's activities for the preceding year ;
6. the list of documents that were published during the year ;
7. the human resources working for the committee (employees, volunteers) ;
8. the rules and regulations governing the committee ;
9. a financial statement.

The elements enumerated above give an idea as to the nature of the information that can be included in the Users' Committee annual activity report. They can be used as headings for the various chapters of the report. Let us look at each in more detail.

1. Functions of the Users' Committee

All Users' Committees have the same functions as determined by the law respecting health and social services⁷ that is to say to:

- 4.1. inform the users of their rights and obligations ;
- 4.2. promote improvement in the quality of living conditions for the users and evaluate user's degree of satisfaction ;
- 4.3. defend users' collective rights and interests and at an individual user's request his (her) rights and interests as a user with regards to the institution or other competent authority ;
- 4.4. upon request accompany and help a user in any endeavour that he (she) undertakes including the desire to complain.

In addition to its legal mandate the institution may have conferred other mandates on the Users' Committee. If such is the case they should be enumerated here.

⁷ (L.Q. 1991,c.42, Article 212)

2. Priorities of the committee

In line with the different functions described earlier which were acted upon in priority? Of all the activities or files the committee acted upon name those (one or two) which were the most important, those to which the committee devoted the most time.

3. List of the members of the committee

Who are the members of the Committee? If there are different programmes, services or installations indicate the members'⁸ origin. If there are non-users who are members of the committee, who are they? Indicate their representation. Who are officers of the committee, i.e. the president, the secretary and the treasurer? Indicate members' status. Here is an example.

Example:

NAME	PROGRAMME	REPRESENTATION	STATUS
Monsieur Ronald McNeil	Sherbrooke Centre	User	Counsellor
Madame Lise Gauthier	St-Paul residence	User	President
Monsieur Jean Vilasco	St-Paul residence	User	Secretary / treasurer
Madame Carole Jacques	Day centre	Volunteer	Counsellor
Madame Yvonne Lavoie	Sainte-Catherine Home.	Volunteer	Counsellor

- **list of sub-committees**

Has the committee created any sub-committees during the last year? If it has, what was their mandate? Why were they created? Who were their members? What were the results of their work?

4. Word from the president

Are there any outstanding points or files that were treated during the year that the president would like to underline in a particular way? Of which accomplishments is he (she) the most proud? Does he (she) wish to highlight the exceptional contribution of a committee member volunteer or staff person? The president is by no means obligated to write a word, this is a matter left to his discretion.

5. Description of the activities

In line with the functions of the Users' Committee described in section V of the guide which activities were realised during the year? You will find below in chart form an example of what a

⁸ (L.Q.1991,c.42, Article 209) « Ce comité est composé d'au moins cinq membres élus par tous les usagers de l'établissement. La majorité de ces membres doivent être des usagers. Toutefois, s'il est impossible d'avoir une majorité d'usagers au comité, ceux-ci peuvent élire toute autre personne de leur choix pourvu que cette personne ne travaille pas pour l'établissement ou n'exerce pas sa profession dans un centre exploité par l'établissement. »

description of activities might look like. Note that the description details the objectives that were set and the results that were attained.

Example:

FUNCTIONS	ACTIVITIES	OBJECTIVES	RESULTS
Inform users of their rights and obligations	Publication of a pamphlet on user rights and obligations	That users know their right of recourse and what expectations they must fulfil	90% of users and their families have received information
Promote improvement in the quality of living conditions	Participation in the regional forum	Make the opinion of the users of the institution known	Regional plan revised taking into account the advise of given
Evaluate the level of user satisfaction	Complete a satisfaction study of users and their families.	Maintain and improve service quality	Identification the strong points and the week points of service quality, desired improvements, submitted to the executive director
Defend the collective rights and interests of users			
Upon request defend the rights and interests of an individual with regards to the institution or other competent authority			
Upon request accompany and help an individual user in any endeavour including the desire to complain			
Any other function mandated to the committee			

6. List of publications

What documents were published by the committee during the last year? Who were the authors ? The documents were produced in how many copies ? For whom were the publications destined ?

7. Human resources

Are there people who were not members of the committee but who worked for the committee either as employees or as volunteers ? If so who are they ? What did they do ?

8. Rules and regulations of the committee

In order to update our file regarding your Users' Committee we request exceptionally for this year (1998-1999) a copy of your internal regulations. This will allow the regional board to advise you as to whether your regulations conform to the new provisions of the law adopted by the national assembly in June of 1998.

9. Financial statement (treasurers report)

The committee must make a financial statement detailing its revenue and its expenses for the preceding fiscal year that is from April 1st to the following March 31st. You will find on the following page an example of a financial statement covering two years, that is 1996-1997 and 1997-1998.

Example:

**Users' Committee Health Centre for the year 2000
Financial Statement ending March 31, 1998.**

	1998	1997
REVENU : Institution's contributions ⁹	5 000,00\$	5 000,00\$
GÉNÉRALES EXPENCES :		
professional support		
conferences et regional forums	300,00\$	150,89\$
publications de pamphlets re; "rights and obligations »	500,13\$	100,00\$
expense accounts	360,17\$	146,68\$
office supplies	279,00\$	563,00\$
post office (stamps)	517,15\$	220,00\$
cotisations	620,02\$	84,89\$
training	600,00\$	853,98\$
telephone	150,00\$	200,00\$
	148,00\$	148,00\$
	1 000,00\$	1 033,45\$
	2 525,53\$	0,00\$
SPECIFIC EXPENCES (see functions) :		
Information to users		
Promotional activities (service quality)		
User satisfaction surveys		
defence of collective rights and interests		
defence of individual rights and interests		
accompanying and help to individuals		
total		
	7 000,00\$	3 500,00\$
SURPLUS / DEFICIT , for the year	(2 000,00\$)	1 500,00\$
Balance of FONDS , beginning of the year	3 500,00\$	2 000,00\$
Balance of FONDS , end of the year	1 500,00\$	3 500,00\$

⁹ including contribution from the regional board

Conclusion

In following the above chapter headings and in answering the questions which are asked you have most likely completed your committee's annual activity report. Should you have any questions regarding the production of your activity report and financial statement you may count upon the assistance of your institution's executive director¹⁰ or you can contact the regional board directly:

Ronald McNeil

Executive Adviser

Direction des relations avec la communauté

Service d'aide à la clientèle

3725, rue Saint-Denis

Montréal (Québec)

H2X 3L9

Telephone number (514) 286-6500, local 5511

Fax number (514) 286-5669

E-mail address, ronald_mcneil@ssss.gouv.qc.ca

Regional board web site, www.rrsss06.gouv.qc.ca

¹⁰ (L.Q.1991, c.42, Article 211) « Le directeur général de l'établissement doit favoriser le bon fonctionnement du comité des usagers... »

Appendix H
Survey questionnaires on
users' satisfaction in
residential and long-term care centres



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX
DE MONTRÉAL-CENTRE



Gouvernement du Québec
**Ministère de la Santé
et des Services sociaux**



Résidences Yvon-Brunet • Réal-Morel • Louis-Riel

**SURVEY QUESTIONNAIRES
ON USERS' SATISFACTION
IN RESIDENTIAL AND
LONG-TERM CARE CENTRES**

CONTINUOUS IMPROVEMENT PROGRAM
OF QUALITY OF SERVICE
AND OF USERS' SATISFACTION

JUNE 1999

Version française disponible sur demande

QUESTIONNAIRES

BAROMETERS

- #1 FOOD**
- #2 LIVING ENVIRONMENT**
- #3 FEELING OF SECURITY**
- #4 HEALTH CARE AND ASSISTANCE**
- #5 MAINTENANCE**
- #6 RIGHTS AND FREEDOMS**

The following questionnaires were written by the Residence Yvon-Brunet in collaboration with :



Project leader : Mrs Nicole Paquin





































BAROMETER #1 : FOOD

Introduction





The present survey serves as an invitation to all residents of the Residence. Its purpose is to measure your degree of satisfaction as to various aspects of day-to-day living at the Residence. There is total of six (6) questionnaires. The following focuses on **food service** at the Residence. **All answers will remain confidential.** No need to be embarrassed, **your opinion** is all we want.

Help us make of the Residence a place where living is enjoyable.

- The purpose of the following questions is to measure your degree of satisfaction as to the food served at the Residence. For each question, please say if you are very satisfied, quite satisfied, more or less satisfied or not at all satisfied. No answer is better than the other, **your opinion** is what counts.


To what extent are you satisfied with :	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
A. The hours at which meals are served (Are you very, quite...satisfied)					?
B. The diversity of menus served on a daily basis					?
C. The information on the menus given in advance					?
D. The repetition of same menus					?
E. The variety of dishes offered					?
F. The freshness and quality of the food served					?
G. The servings (too small, too large)					?
H. The variety in tastes and food presentation					?
I. The manner in which food is presented (is it appetizing?)					?





To what extent are you satisfied with :	Very!	Satisfied?			I don't know
		Quite	More or less	Not at all!	

J. The manner in which meals are served? (Warm enough, lukewarm)					?
-------------------------------------------------------------------------	-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	---

*To what extent are you satisfied with the **staff serving meals**:*

K. The politeness and respect shown towards you					?
--------------------------------------------------------	-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	---

L. Their good mood					?
---------------------------	-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	---





M. The care they take, the concern they show with meeting your specific needs					?
--------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	---

N. The quality of the service					?
--------------------------------------	-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	---





O. The cleanliness of the settings (dishes, cups, utensils, etc.)					?
--------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---





P. The cleanliness of tablecloths and chairs					?
-----------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---





*And as to the **dining room**, to what extent are you satisfied with :*





Q. The space available for moving around easily					?
--------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---









R. The atmosphere and decoration					?
-----------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---

S. The quietness and noise level in the dinign room					?
------------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---









T. The respect for your choice not to follow specific diets					?
--------------------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---

U. The respect shown by others as to your smoking or not					?
-----------------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---

V. The time allowed for eating (is it sufficient?)					?
-----------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	---

To what extent are you satisfied with :	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
W. Your fellow-residents eating at your table					?
X. The availability of food besides scheduled meals					?

2. Do you have **any comments or suggestions** for the administration to improve **food servicing**?

3. Generally speaking, to what extent are you satisfied with every aspect of food servicing at the Residence?     ?
4. Would you say you truly feel at home at the Residence?     ?

5. Let's end with some questions on you

➤ ***Informations remain confidential***

a) You are : a man a woman

b) You are _____ years old

c) You've been living at the Residence since : _____

d) At what time do you usually eat lunch? _____

Thank you very much for your help!

BAROMETER #2 : LIVING ENVIRONMENT













































Introduction

The present survey serves as an invitation to all residents of the Residence. Its purpose is to measure your degree of satisfaction as to various aspects of day-to-day living at the Residence. There is a total of six (6) questionnaires. The following focuses on the **quality of the living environment** at the Residence. **All answers will remain confidential.** No need to be embarrassed, **your opinion** is all we want.

Help us make of the Residence a place where living is enjoyable.





























- The purpose of the following questions is to measure your degree of satisfaction as to the living environment at the Residence. For each question, please say if you are very satisfied, quite satisfied, more or less satisfied or not at all satisfied. No answer is better than the other, your opinion is what counts

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
A. The freedom to live as you wish at the Residence					?
B. The politeness and respect shown by the staff towards you					?
C. Their good mood					?
D. The possibility for your friends and family to visit at any time					?
E. The information provided in advance regarding activities and entertainment					?
F. The monthly bulletin covering all activities					?
G. The care shown by the staff in keeping you informed of coming activities					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
H. The respect generally shown toward your own rhythm of life (are you being pushed or rushed?)					?
I. The reliability of activity and routine hygiene care schedules					?
J. The freedom you are given if you wish to be left alone					?
K. The possibility of sharing some time with the staff when you feel like it					?
L. The manners in which the staff respects your private life (e.g. not misplacing your belongings, letting you know in advance of their visit, knocking at your door before entering, ...)					?
M. The freedom to organize your room as you wish					?
<i>Besides your room, are you satisfied with:</i>					
N. The number of places accessible (e.g. unit lounge and dining room, meeting all, etc.)					?
O. The furniture and comfort of these places (e.g. lounge chairs, tables, etc.)					?
P. The atmosphere and decoration of these places					?
Q. The appliances ("just like home") found in these places					?
<i>As to activities, to what extent are you satisfied with:</i>					
R. The care taken in finding out your specific interests, your favorite activities					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
S. The activities offered					?
T. Their diversity					?
U. The choice you have between individual or group activities					?
V. The quality of shows presented at the Residence					?
W. Their variety					?
X. The days on which these shows are held					?
Y. The moment at which activities take place					?
Z. The possibility for you to be accompanied when going to or coming back from an activity					?
AA. The frequency of occasions to go out (shopping or other)					?
BB. The birthday parties held at the Residence					?
CC. The celebrations held on special occasions (Christmas, Mother's day, etc.)					?
DD. The possibility to invite your family to special events					?
EE. The freedom you have to practice your religion as you wish					?
FF. The stores available at the Residence					?

In details are you satisfied with :





	Yes	No	I don't know
1. the bakery			?
2. the workshop			?
3. the restaurant			?
4. the convenience store			?
5. the clothing store			?
6. the arts and crafts store			?
7. the day-care centre			?
8. the library			?
9. the Caisse Populaire			?
10. the post office			?
11. the chapel			?
12. the tavern			?
13. the beauty salon			?
14. the gardening store			?

2. Do you have **any comments or suggestions** for the administration to **improve the living environment?**





To what extent are you satisfied with:

	Very!	Satisfied? Quite	More or less	Not at all!	I don't know
--	-------	---------------------	--------------------	----------------	--------------------

3. Generally speaking, to what extent are you satisfied with every aspect of the living environment at the Residence?

					?
--	-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	---

4. Would you say you truly feel at home at the Residence?

					?
--	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---

5. Let's end with some questions on you

➤ ***Informations remain confidential***

a) You are : a man a woman

b) You are _____ years old

c) You've been living at the Residence since:

Thank you very much for your help!





























BAROMETER #3 : FEELING OF SECURITY













Introduction

The present survey serves as an invitation to all residents of the Residence. Its purpose is to measure your degree of satisfaction as to various aspects of day-to-day living at the Residence. There is a total of six (6) questionnaires. The following focuses on the **feeling of security** at the Residence. **All answers will remain confidential.** No need to be embarrassed, **your opinion** is all we want.









Help us make of the Residence a place where living is enjoyable.

1. The purpose of the following questions is to measure your degree of satisfaction as to the feeling of security at the Residence. For each question, please say if you are very satisfied, quite satisfied, more or less satisfied or not at all satisfied. No answer is better than the other, **your opinion** is what counts.

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
A. The consideration given to you opinion when it comes to changes concerning you					?
B. The fact that no one may enter your room without your permission					?
C. The possibility for you to keep personal belongings to which no one else has access					?
D. The measures taken to control unknown visitors					?
E. The feeling of security when you go out on activities					?
F. The accessibility inside the Residence					?
G. The effort to keep corridors tidy so that you may move around easily					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
H. The equipment used by the Residence to ensure you security (alarm system, extinguishers, bathroom holding bars, etc.)					?
I. The feeling you have that you can be attended to at any time should you have a problem					?
J. (If you are a smoker): The possibility for you to smoke anywhere you wish (besides elevators)					?

2. Do you have **any comments or suggestions** for the administration to **improve your feeling of security**?

- | | | | | | |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---|
| 3. Generally speaking, do you feel secure living at the Residence? |  |  |  |  | ? |
| 4. Would you say you truly feel at home at the Residence? |  |  |  |  | ? |

5. Let's end with some questions on you

➤ ***Informations remain confidential***

a) You are : a man a woman

b) You are _____ years old

c) You've been living at the Residence since : _____

Thank you very much for your help!

























BAROMETER #4 : HEALTH CARE AND ASSISTANCE

Introduction

The present survey serves as an invitation to all residents of the Residence. Its purpose is to measure your degree of satisfaction as to various aspects of day-to-day living at the Residence. All answers will remain confidential. No need to be embarrassed, your opinion is all we want.

Help us make of the Residence a place where living is enjoyable.

2. The purpose of the following questions is to measure your degree of satisfaction as to **health care and assistance** at the Residence. For each question, please say if you are very satisfied, quite satisfied, more or less satisfied or not at all satisfied. No answer is better than the other, **your** opinion is what counts.

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
A. The care and attention provided					?
B. The possibility for you to choose either a male or female employee to provide you with hygiene or personal care					?
C. The efforts made so that you are being attended to by the same employees					?
D. The importance given to your opinion when it comes to providing care (medical or other)					?
E. The number of times you may take a bath during the week					?
F. The manner in which you are encouraged to do thing by yourself when possible					?









































To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
G. The support given (should you ask for it) when doing a task or participating in an activity (e.g. doing you laundry)					?

*As to the **health care staff**, to what extent are you satisfied with:*









H. The politeness and respect shown towards you					?
I. Their good mood					?
J. Their competence (are they good at what they do)					?
K. The quality of their listening (are they attentive, do they take you seriously)					?
L. Their eagerness to respond to your demands (e.g. when you use your bell)					?
M. Their discreteness towards you					?
N. The respect shown towards your friends and relatives assisting you					?
O. The concern they show for your specific needs and interests (your rhythm of life, your habits)					?

*As to **health care**, to what extent are you satisfied with :*

P. The confidentiality of your medical report					?
Q. The delays faced when asking for an appointment with your doctor here at the Residence (are they reasonable?)					?
R. The scheduled appointments (are they being complied with?)					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
S. The discreteness shown by the staff (do they ask you personal questions not pertaining to your health problem?)					?
T. The accessibility to your medical test results					?
U. The accessibility to your medical report (whenever you wish to see it)					?
V. When facing a medical problem, the concern shown towards informing you of all the choices you have as well as their consequences					?
W. The care taken in explaining treatments and medication					?
X. The efforts made not to make decisions for you					?
Y. The medical advice given on avoiding health problems					?
Z. The manner in which you are addressed, in terms you understand					?
AA. The possibility for you to talk about your problems and worries					?
BB. The possibility to get assistance at night (have someone take you to the bathroom, get some assistance during insomnia periods, etc.)					?

3. Do you have **any comments or suggestions** for the administration to **improve health care and assistance**?

		Satisfied?				
To what extent are you satisfied with:		Very!	Quite	More or less	Not at all!	I don't know
3.	Generally speaking, to what extent are you satisfied with health care and assistance at the Residence?					?
4.	Would you say you truly feel at home at the Residence?					?
5.	Let's end with some questions on you					

➤ ***Informations remain confidential***

a) You are : a man a woman

b) You are _____ years old

c) You've been living at the Residence since : _____

Thank you very much for your help!









BAROMETER #5 : MAINTENANCE

Introduction











The present survey serves as an invitation to all residents of the Residence. Its purpose is to measure your degree of satisfaction as to various aspects of day-to-day living at the Residence. There is a total of six (6) questionnaires. The following focuses on the **maintenance service** at the Residence. **All answers will remain confidential.** No need to be embarrassed, **your opinion** is all we want.

Help us make of the Residence a place where living is enjoyable.

- The purpose of the following questions is to measure your degree of satisfaction as to the maintenance service at the Residence. For each question, please say if you are very satisfied, quite satisfied, more or less satisfied or not at all satisfied. No answer is better than the other, **your opinion** is what counts.

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
A. The manner in which your room is kept clean and tidy					?
B. The manner in which other rooms and halls are kept clean and tidy					?

Generally speaking are you satisfied with the cleanliness of :









	Yes	No	I don't know
1. corridors and elevators			?
2. the dining room			?
3. washrooms			?
4. you unit balcony or terrace			?
5. the main street			?

	Yes	No	I don't know
6. the chapel			?
7. the outside window of your room			?
8. armchairs in your unit			?
9. dining room chairs			?
10. armchairs in the entrance hall			?
11. Your wheelchair			?
12. your bedding			?
13. the wall paint in your unit			?
14. Is there any other place you would like to mention? (please specify)			

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
C. The promptness shown by the maintenance staff to clean up messes					?
<i>In your room, to what extent are you satisfied with:</i>					
D. The care taken in not displacing your belongings while cleaning					?
E. The care taken in not damaging your furniture					?
F. The part they let you take in tidying up your room					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
G. The fact that no one may enter your room without permission					?
H. The fact that cleaning is done only in your presence or with your permission					?
I. The promptness of the staff to repair damaged or broken material					?
J. To what extent are you satisfied with the politeness and respect shown by the maintenance staff					?
K. Their good mood					?
L. Their discreteness					?
M. To what extent are you satisfied with the frequency of "thorough cleanings"					?
N. The snow removal in the backyard and entrance					?
O. The manner in which you are advised of building work being done at the Residence					?

2. Do you have **any comments or suggestions** for the administration to **improve maintenance**?

- | To what extent are you satisfied with: | Satisfied? | | | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------|
| | Very! | Quite | More
or
less | Not
at all! | I
don't
know |
| 3. Generally speaking, to what extent are you satisfied with maintenance at the Residence? |  |  |  |  | ? |
| 4. Would you say you truly feel at home at the Residence |  |  |  |  | ? |
| 5. Let's end with some questions on you | | | | | |

➤ ***Informations remain confidential***

a) You are : a man a woman

b) You are _____ years old

c) You've been living at the Residence since : _____

Thank you very much for your help!

























BAROMETER #6 : RIGHTS AND FREEDOMS

Introduction

The present survey serves as an invitation to all residents of the Residence. Its purpose is to measure your degree of satisfaction as to the respect for your rights and freedoms at the Residence. There is a total of six (6) questionnaires. The following focuses on the **Residence in general**. **All answers will remain confidential**. No need to be embarrassed, **your opinion** is all we want.









Help us make of the Residence a place where living is enjoyable.

1. The purpose of the following questions is to measure your degree of satisfaction as to the respect for your rights and freedoms at the Residence. For each question, please say if you are very satisfied, quite satisfied, more or less satisfied or not at all satisfied. No answer is better than the other, **your** opinion is what counts.





To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
A. The respect for your rights as found in the Residents Charter					?
B. The freedom you have to make your own decisions					?
C. The respect shown for your opinion when you have a change of mind					?
D. The opportunities you have of voicing your opinions and suggestions, be it by writing or in person					?
E. The possibility for you to use your mother tongue					?
F. The concern shown in answering all you questions					?





To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
G. The concern shown by new employees in presenting themselves before providing you with care or assistance					?
H. The possibility for you to be heard when wanting to voice comments or complaints (and this to the person of your choice; the Director of Living environment, the Director or others)					?
I. The responsibilities you can take on at the Residence (e.g. being a member of the Residents Comity, taking charge of flowers and plants unit)					?
<i>As to the Residents Comity, to what extent are you satisfied with:</i>					
J. The importance given to your opinion					?
K. The part taken by the Comity when decisions are made concerning the Residence.					?
L. The justice and equality shown towards every resident (no partiality)					?
M. The information provided on every aspect concerning you at the Residence (services offered, decisions made by the administrations, etc.)					?
N. The information provided on life in the neighborhood					?
O. The manner in which costs are explained (pension fees, eyeglass costs, show tickets, etc.)					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
P. The discretion you enjoy in managing your own assets					?
Q. The freedom you enjoy as to your whereabouts within or outside the Residence					?
<i>Concerning the staff, to what extent are you satisfied with :</i>					
R. The respect they show for your private conversations					?
T. Their professionalism (how they treat you; are they being too familiar?)					?
U. The respect they have for the name you choose to be called by always preceded by Mister, Misses or Miss					?
<i>As to the receptionist, to what extent are you satisfied with:</i>					
V. Her politeness and kindness towards people (you, your visitors, etc.)					?
W. Her efforts to guide visitors properly inside the Residence					?
X. Her availability when you wish to chat with her					?
Y. The care she takes in answering your questions					?
<i>As to the person to whom you pay your rent, to what extent are you satisfied with:</i>					
Z. His or her politeness and kindness					?
AA. The care taken in explaining changes to your rent					?

To what extent are you satisfied with:	Satisfied?				
	Very!	Quite	More or less	Not at all!	I don't know
BB. The freedom to have visitors in your room, in privacy					?
CC. The freedom to keep pets if you wish to					?

2. Do you have **any comments or suggestions** for the administration to **improve service in general?**

3. Generally speaking, to what extent do you feel your rights and freedoms are being respected at the Residence?     ?

4. Would you say you truly feel at home at the Residence?     ?²

5. Let's end with some questions on you

➤ ***Informations remain confidential***

a) You are : a man a woman

b) You are _____ years old

c) You've been living at the Residence since: _____

Thank you very much for your help

Appendix I
Application form for
candidates for users' committee

Section 1 - Candidate			Regular member <input type="checkbox"/>	Alternate <input type="checkbox"/>
Last name and first name			Qualification of candidate User <input type="checkbox"/> Representative of user <input type="checkbox"/>	
Phone number	Institution <input type="checkbox"/>	Elsewhere <input type="checkbox"/>	<i>Curator</i> <input type="checkbox"/> <i>Tutor</i> <input type="checkbox"/> <i>Father</i> <input type="checkbox"/> <i>Mother</i> <input type="checkbox"/> <i>Spouse</i> <input type="checkbox"/> <i>Power of attorney</i> <input type="checkbox"/> <i>Interested party</i> <input type="checkbox"/>	
Address			Last name and first name of user being represented	
Candidate			Address of user being represented	
Gender M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth		Institution <input type="checkbox"/> Elsewhere <input type="checkbox"/>	
Origin of candidate (facility, department, etc.)				
Occupation			Candidate's employer	
Signature				

Section II - Supporters (users)	
Last name and first name of Supporter #1 Tel.	Last name and first name of Supporter #2 Tel.
Address	Address
Signature	Signature

Section III - Consent of candidate
I, the undersigned, agree to stand as a candidate for the position of member of the users' committee at:
Name of institution
I authorize the release of the information on this form to any party involved in this election.

Section IV - Reserved for returning officer			
Origin of candidate:			
Elected by		Vote <input type="checkbox"/>	Uncontested <input type="checkbox"/>
Mandates	Number	Start of mandate	Year in which mandate ends
Last name and first name of person being replaced		Left on Day Mo. Yr.	Reason for leaving Death <input type="checkbox"/> Resignation <input type="checkbox"/> Loss of qualification <input type="checkbox"/> End of mandate <input type="checkbox"/> Other <input type="checkbox"/>
Signature of returning officer			Day Month Year Date

Appendix II
Certificate of uncontested election

Appendix II

**OFFICIAL NAME OF
INSTITUTION**

CERTIFICATE OF UNCONTESTED ELECTION
Users' committee

I, the undersigned returning officer, hereby declare that I have received and accepted the following applications to stand as candidates for positions to be filled on the users' committee at

_____ Name of institution

in the election by users at the institution.

	Name	Address	Telephone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The candidates are hereby declared to be elected.

In witness whereof, I have signed this certificate on _____ day _____ month

20 _____ at _____ at _____ location

Signature: _____

Address: _____

Telephone: _____

ONE COPY TO BE SENT TO EXECUTIVE DIRECTOR

Appendix III
Sample ballot

Appendix III

**OFFICIAL NAME
OF INSTITUTION**

SAMPLE BALLOT
Committee with five members

No.
No.
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Scrutineer's initials</div>
Name of institution
Date

FRONT

PLEASE VOTE FIVE TIMES, PREFERABLY INCLUDING THREE USERS		
USER-CANDIDATES		
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
OTHER CANDIDATES		
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>
Name of candidate	From	<input type="checkbox"/>

BACK

P.S.: Candidates should be listed in alphabetical order.

Appendix IV
Certificate of election

**Appendix IV
OFFICIAL NAME OF
INSTITUTION**

**CERTIFICATE OF ELECTION
Users' committee**

To the executive director of _____
name of institution

located in the region of _____
region

1. Voting period

I, the undersigned, _____, serving as returning officer,
hereby declare that the voting period was _____
number of hours

From: _____ a.m. To: _____ p.m.

_____ date _____ year _____ place

_____ location _____ electoral college

2. Counting of votes

	Names of candidates	Origin	Number of votes		
1				Valid ballots:	
2					
3				Rejected ballots:	
4					
5				Total:	

CANDIDATES ELECTED:

3. Signatures

Returning officer { _____ signature _____ date _____
address _____ telephone _____

Assistant returning officer or chairman { _____ signature _____ date _____
address _____ telephone _____

Scrutineers { _____ signature _____ date _____
signature _____ date _____

ONE COPY TO BE SENT TO BOARD OF DIRECTORS

