



# Cree Board of Health and Social Services of James Bay

## ***- Update on Legislative Review Process -***

Status Report to Cree Nation Government Council  
Bertie Wapachee, Chairperson  
December 7, 2023



## TREATY AND LEGISLATION IN FOCUS

- Section 14 of the JBNQA treaty (Cree Health and Social Services)
- Quebec – *Act respecting health services and social services for Cree Native persons* (Chapter S-5)
- Quebec – *Act respecting health services and social services* (Chapter S-4.2)
- Quebec – *Youth Protection Act*
- Federal – *Youth Criminal Justice Act*

# PATHWAY TO A RENEWED CBHSSJB

## OPERATIONAL

## LEGISLATIVE

**Renewed  
CBHSSJB**

New funding  
framework  
agreement

SRP 2022-27

Consultation

Optimization  
audits

Amended  
legislation

Negotiation &  
Consultation

...

Negotiation  
Framework

Terms of  
Reference

**Provincial :**  
- JBNQA Ch 14  
- S-5  
- YPA

**Federal :**  
- YCJA



## Introduction

- This is an update to the status report of September 21, 2023
- As reported previously, there was significant progress in the spring of 2023 to establish a process with MSSS to review the legislative framework of the CBHSSJB
- This process relates to Cree treaty rights under **Section 14** (Health and Social Services) of the JBNQA Treaty
- Therefore, the CBHSSJB is **collaborating closely with the Cree Nation Government**, which has appointed representatives to the negotiating team

# Purpose of Revision

- Modernize outdated Quebec law governing the CBHSSJB (Chapter S-5)
- Recognition of **greater responsibility and flexibility** for the CBHSSJB to improve the health outcomes and social wellness of its clients
- Enable the CBHSSJB to adopt, in collaboration with MSSS, among other things:
  - Eeyou Miyupimaatisiun and Nishiiyuu Healing Methods
  - Adapted Cree Youth Protection regime to meet Cree needs
  - Special contracting regime
  - Adapted working conditions & training, Cree hiring priority



## Proposed Framework and Agreement

- The CBHSSJB submitted to MSSS in May 2023 a “Proposed Framework on a New Health and Social Services Act for the Crees”
- This new approach is similar to the one already taken by Cree School Board in its talks with Ministry of Education on CSB legislation
- Under this approach, the CBHSSJB, Cree Nation Government and MSSS will proceed directly to substantive talks on an Agreement, which would set out the revisions sought by the Crees and agreed by Quebec

## Proposed Agreement

- Under this Agreement, Quebec would undertake to recommend to the National Assembly a *new Health and Social Services Act for the Crees*, substantially in the form to be negotiated and appended to the Agreement, in order to replace for the Crees and the Board the existing legislative framework (Chapter S-5)
- The Crees and Quebec would also commit to negotiate a **complementary agreement to amend Section 14 of the JBNQA** to ensure its consistency with the new *Health and Social Services Act for the Crees*

## Proposed Agreement

- The Agreement would provide that the Board will **continue to collaborate** with Quebec, and to be subject to Quebec laws, save for exceptions in the new Act
- The new Act would better reflect the Board's Cree identity, treaty status and special circumstances, including Cree language, culture and values
- The new Act would recognize **greater responsibility and flexibility** for the Board to **improve the health outcomes and social wellness** of its clients by, among other things, ensuring culturally safe and appropriate health and social services and managing its own internal affairs and operations



## Proposed Agreement

- The new Act would enable the Board to adopt in due course, in close collaboration with Quebec, its own programs for, among others:
  - (a) Eeyou Miyupimaatisiun and Nishiiyuu healing methods
  - (b) Youth protection
  - (c) Contracting regime (subject to certain principles and parameters)
  - (d) adapted working conditions and training, and Cree hiring priority
- MSSS was receptive to the revised Framework proposed by the CBHSSJB in May 2023

## Meeting with Minister Christian Dubé

- This set the stage for a meeting in June 2023, between myself, as CBHSSJB Chair, our Executive Director and the CBHSSJB Negotiator with Minister Christian Dubé
- I explained to Minister Dubé the objectives of revising the CBHSSJB legislative framework and the proposed approach by Agreement
- The Minister expressed his commitment to an ambitious objective of concluding this Agreement by March 31, 2024.

## Reform of General Health and Social Services Legislation

- Since that time, MSSS has been deeply engaged in a **very substantial reform** of the legislative framework of Québec's general health and social services network through **Bill 15, *An Act to make the health and social services system more effective***, tabled in the National Assembly last spring
- Bill 15 is a **massive piece** of legislation (1,200 sections; 300 pages); it will replace the **health legislation of general application, *An Act respecting health and social services*** (Chapter s-4.2)
- **Bill 15 will not directly apply to the Crees or the CBHSSJB**; however, once adopted, its changes to the general health legislation will need to be considered for the purpose of the **new *Health and Social Services Act for the Crees***
- In May, Bill 15 was referred to the Committee on Health and Social Services for detailed study, and MSSS and Minister Dubé have been **extensively involved in the Committee hearings**, which are continuing

## Reform of General Health and Social Services Legislation

- The Committee has made extensive amendments to Bill 15, and MSSS has also been involved in intensive negotiations with the *Fédération des médecins spécialistes du Québec*, resulting in an agreement in principle
- Minister Dubé has indicated his expectation that Bill 15 will be adopted **before the end of this parliamentary session (December 8, 2023)**, by invoking closure, if necessary, for implementation in 2024
- In other words, MSSS has been **focused heavily on this fundamental reform** of the general health and social services legislation, slowing the Cree-Quebec process on the new Cree Health Act

## Recent Developments

- In August 2023, the CBHSSJB submitted to MSSS a short summary of the main revisions sought by the CBHSSJB
- This document was reviewed at a **technical committee meeting** in September by the CBHSSJB Executive Director and MSSS representatives, who undertook to continue substantive discussions
- On November 10, 2023, further discussions were held involving me, as the Board's Chair, our Executive Director, and MSSS ADM Daniel Desharnais and Marie-José Thomas
- MSSS representatives indicated that their mandate for the legislative review **focused on the delivery of health and social services**, and did not include more fundamental issues of “autonomy” and jurisdiction

## Next Steps

- In close collaboration with the Cree Nation Government, the Board will continue to push for **greater responsibility in the management and delivery of health and social services** in Eeyou Istchee, in a manner that reflect the Board's Cree identity, treaty status and special circumstances
- The CBHSSJB will also maintain focus on **solutions relating to territorial jurisdiction**, including regularizing the Board's capacity for emergency medical responses throughout Eeyou Istchee, including on major highways and in Cree hunting camps
- The CBHSSJB intends to pursue discussions diligently with MSSS on this legislative review process and the related Agreement, and to **intensify efforts early in 2024** following the anticipated adoption of Bill 15

## Next Steps

- In parallel, the CBHSSJB and the Cree Nation Government are proceeding with the renewal of the Cree-Québec Health Agreement for the next five-year period 2024-2029, including the new Strategic Regional Plan and the Funding Framework for Operations and Maintenance and for Capital Investments
- As mentioned at the beginning of this presentation, the **CBHSSJB is collaborating closely with the Cree Nation Government** (Deputy Executive Director; Cree Nation Government Negotiator) on these matters which relate to Cree treaty rights under **Section 14** (Health and Social Services) of the JBNQA Treaty
- The CBHSSJB will collaborate with these representatives to keep the Cree Nation Government fully informed as all of this work progresses

