



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 693

**An Act to amend the Election Act to
prevent and fight sexual violence in
the context of political activities**

Introduction

**Introduced by
Madam Catherine Fournier
Member for Marie-Victorin**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

The purpose of this bill is to amend the Election Act to prevent and fight sexual violence that may occur when performing tasks under the direction of a political party or party authority or in the context of activities organized by them.

Under the bill, the Chief Electoral Officer appoints a Sexual Violence Investigation Officer, whose main function is to conduct inquiries into sexual violence-related matters, on his or her own initiative or on receiving a complaint or report of sexual violence.

The bill specifies that this neutral Investigation Officer is required to give the persons concerned the opportunity to be heard, that the Investigation Officer is entitled to obtain, from any person, the information the Investigation Officer considers necessary and that the conclusions the Investigation Officer transmits to a party leader or an official representative after the inquiry may contain recommendations.

The bill sets out the cases in which the Investigation Officer must or may refuse to conduct an inquiry or terminate an inquiry and provides that the Investigation Officer establishes and makes public a procedure for processing the complaints and reports.

The bill also provides that the Investigation Officer must take all necessary measures to ensure the confidentiality of the information at his or her disposal, in particular the information included in the report he or she transmits annually to the Chief Electoral Officer, and stipulates that no person has a right of access to documents produced in the context of the Investigation Officer's inquiries.

Lastly, the bill requires the Chief Electoral Officer to provide the Investigation Officer with all required assistance, including that of the Chief Electoral Officer's personnel, and gives the Chief Electoral Officer the power to determine by regulation the selection criteria for and conditions of exercise of the duties of the Investigation Officer.

LEGISLATION AMENDED BY THIS BILL:

– Election Act (chapter E-3.3).

Bill 693

AN ACT TO AMEND THE ELECTION ACT TO PREVENT AND FIGHT SEXUAL VIOLENCE IN THE CONTEXT OF POLITICAL ACTIVITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. The Election Act (chapter E-3.3) is amended by inserting the following chapter after section 540.1:

“CHAPTER IV.1

“SEXUAL VIOLENCE INVESTIGATION OFFICER

“DIVISION I

“APPOINTMENT

“540.2. The Chief Electoral Officer shall appoint a Sexual Violence Investigation Officer, hereinafter called the “Investigation Officer”.

“540.3. Before taking office, the Investigation Officer shall make the oath provided in Schedule II before the Chief Electoral Officer.

“540.4. The selection criteria for and conditions of exercise of the duties of the Investigation Officer, as applicable, shall be determined by regulation.

“DIVISION II

“FUNCTIONS AND POWERS

“540.5. The function of the Investigation Officer is to conduct inquiries, on his or her own initiative or on receiving a complaint or report of sexual violence that occurred when performing tasks under the direction of a political party or any of its party authorities or in the context of activities organized by them.

For the purposes of this Act, the concept of sexual violence refers to any form of violence committed through sexual practices or by targeting sexuality, including sexual assault. It also refers to any other misconduct, including that

relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviours or attitudes with sexual connotations, including by a technological means.

“540.6. The Investigation Officer shall refuse to conduct an inquiry or shall terminate an inquiry if the dispute is brought before a court or a body or person exercising judicial or quasi-judicial functions.

“540.7. The Investigation Officer may refuse to conduct an inquiry or may terminate an inquiry if he or she has reasonable grounds to believe that the complaint or report is frivolous, vexatious, clearly unfounded or made in bad faith.

“540.8. Each time the Investigation Officer refuses to conduct an inquiry or terminates an inquiry, he or she shall so inform the persons concerned and give the reasons therefor in writing.

“540.9. The Investigation Officer is required to give the persons concerned the opportunity to be heard.

“540.10. In the exercise of his or her functions, the Investigation Officer is entitled to obtain, from any person, any information the Investigation Officer considers necessary.

“540.11. After his or her inquiry, the Investigation Officer shall transmit his or her conclusions, which may contain recommendations, to a party leader or an official representative, as applicable.

“540.12. The Investigation Officer shall establish and make public a procedure for processing the complaints and reports.

The procedure shall include

- (1) the Investigation Officer’s contact information;
- (2) the fact that any person may file a complaint or report of sexual violence, whether that person is a candidate, a Member, a political party employee or party authority, a volunteer or a third party;
- (3) the procedure allowing a person to file a complaint or report;
- (4) the support measures available to help a person file a complaint or report;
- (5) the measures put in place by the Investigation Officer to ensure the confidentiality of information, including measures to protect the identity of any person who files a complaint or report;
- (6) the follow-up in response to any complaint or report, including the fact that all persons concerned will have the opportunity to be heard by the Investigation Officer;

(7) the fact that the Investigation Officer may, after the inquiry, transmit recommendations to a party leader or an official representative; and

(8) the time limits for processing complaints or reports.

“DIVISION III

“ORGANIZATION AND ANNUAL REPORT

“540.13. To enable the Investigation Officer to discharge his or her duties, the Chief Electoral Officer shall provide all required assistance, including that of his personnel.

The Investigation Officer shall supervise and direct that personnel.

The Investigation Officer has no other personnel than that provided by the Chief Electoral Officer.

“540.14. Each year, the Investigation Officer shall transmit to the Chief Electoral Officer a report on the exercise of his or her functions, without compromising the confidentiality of inquiry records, including the identity of the persons concerned by a complaint or report.

No civil action may be instituted by reason of the report.

“DIVISION IV

“CONFIDENTIALITY

“540.15. The Investigation Officer shall take all necessary measures to preserve the confidentiality of any information at his or her disposal, in particular information that would allow a person who has filed a complaint or report to be identified, unless the person consents to the information’s disclosure.

“540.16. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to documents produced in the context of the Investigation Officer’s inquiries.”

2. Sections 572.1 and 572.2 of the Act are amended

(1) by replacing “and any other person” in section 572.1 and “or any other person” in section 572.2 by “any other person”;

(2) by inserting “, the Sexual Violence Investigation Officer and the personnel at his or her disposal” after “inquiry” in section 572.1 and by inserting “, the Sexual Violence Investigation Officer or the personnel at his or her disposal” after “inquiry” in section 572.2.

3. Section 573 of the Act is amended by replacing “or against the Commission de la représentation, any of its members or any member of its personnel, in the performance of his or its duties” by “against the Commission de la représentation, any of its members or any member of its personnel, or against the Sexual Violence Investigation Officer or any member of the personnel at his or her disposal, in the performance of his, her or its duties”.

FINAL PROVISION

4. This Act comes into force on (*insert the date of assent to this Act*).

