

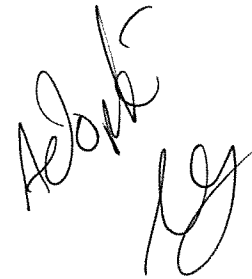
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 1

AMENDMENT:

Replace “within” by “in relation to”.

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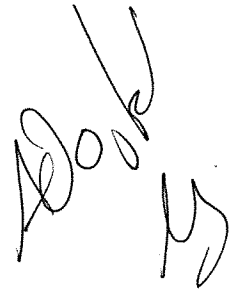
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 1 as amended

AMENDMENT:

Insert "general" before "protection regime".

A handwritten signature in black ink, appearing to be "D. J. H.", is located on the right side of the page.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 1 as amended

AMENDMENT:

Insert “, in the public interest,” after “facilitate the disclosure”.

Adopted
MS

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

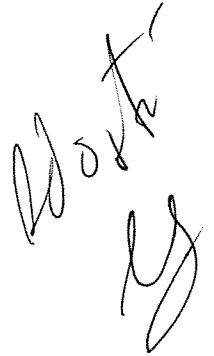
Section 2

AMENDMENT:

1. Insert “and private institutions under agreement” after “public institutions” in paragraph 7.

2. Insert after paragraph 8:

(8.1) childcare centres, day care centres benefiting from subsidized childcare spaces and home childcare coordinating offices governed by the Educational Childcare Act (chapter S-4.1.1);

A handwritten signature in black ink, appearing to be 'W. J. G.', is located on the right side of the page.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 2.1

AMENDMENT:

Insert after section 2:

2.1. This Act applies to the National Assembly to the extent and on the conditions determined by regulation of the Office of the National Assembly.

A handwritten signature in black ink, appearing to read "Dyke" followed by a flourish.

Bill 87

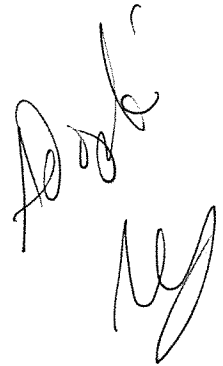
**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 3

AMENDMENT:

Replace paragraph 3 by the following paragraph:

(3) a misuse of funds or property belonging to a public body, including the funds or property it manages or holds for others,

A handwritten signature in black ink, appearing to be 'D. K. ...' with a large flourish below it.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 3 as amended

AMENDMENT:

Add "including an abuse of authority," at the end of paragraph 4.

*Done
Mg*

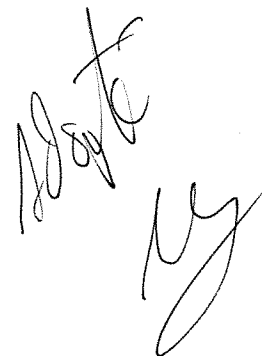
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 4

AMENDMENT:

Add at the end: "The same is true for a disclosure whose purpose is to question the effectiveness, efficiency or merits of strategies, policy directions and operations related to the investment activities, fund management activities or debt management activities of the Caisse de dépôt et placement du Québec or Investissement Québec."

A handwritten signature in black ink, appearing to be "M. G. G.", is located in the lower right quadrant of the page. The signature is written in a cursive style.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 5


AMENDMENT:

Replace by:

5. Any person may contact the Public Protector to disclose information that could show that a wrongdoing has been committed or is about to be committed in relation to a public body. Wrongdoings include, in particular, those committed by a member of the personnel of a public body in the exercise of his or her functions or by any person, partnership, group or other entity in the preparation or performance of a contract, including a grant of financial assistance, that has been entered into or is about to be entered into with the public body. A disclosure may be made anonymously or not.

In the case of a disclosure concerning a public body referred to in paragraph 8.1 of section 2, a person may, if he or she prefers, contact the Minister of Families in accordance with Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1) to disclose the information.

In the case of a disclosure concerning a public body referred to in any of paragraphs 1 to 8 and 9 of section 2, a person who is a member of the personnel of the public body may, if he or she prefers, contact the officer responsible for dealing with disclosures within that body to disclose the information.

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SAM 1
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s. 5

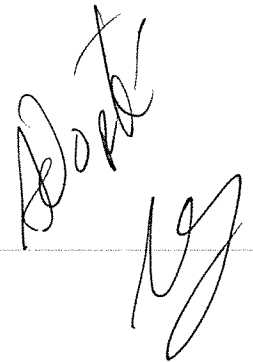
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 5

AMENDMENT:

Insert "at any time" after "Public Protector" in the first paragraph of section 5 introduced by amendment.

A handwritten signature in black ink, appearing to read "Dante" followed by a stylized flourish.

Bill 87

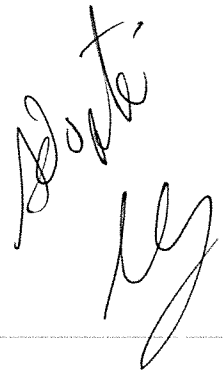
**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 7

AMENDMENT:

Replace the third paragraph by:

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

A handwritten signature in black ink, appearing to read "Dotti" followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 8

AMENDMENT:

Replace “or advice on the procedure for making a disclosure” by “, to obtain advice on the procedure for making a disclosure or to obtain the legal advice provided for in section 23.2”.

*Doate
NY*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 9

AMENDMENT:

Replace by:

9. A disclosure of wrongdoing is made to the Public Protector and diligently processed in accordance with the procedure the Public Protector determines. The procedure must, among other things,

(1) provide for a written notice of receipt of the disclosed information to be sent to the person who made the disclosure, if that person's identity is known;

(2) specify the manner in which a disclosure is to be filed;

(3) determine the time limits for processing a disclosure;

(4) subject to section 13, include measures to ensure that the identity of the person who makes a disclosure or cooperates in an audit or investigation conducted on the basis of a disclosure remains confidential;

(5) include measures to protect the rights of the persons involved in a disclosure, in particular during an investigation; and

(6) state the protection provided for by Chapter VI against reprisals and the time limit for exercising a recourse against a practice prohibited by subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1).

For the purposes of subparagraph 3 of the first paragraph, the procedure must provide that the person who made the disclosure, if that person's identity is known, is notified as soon as the processing of the disclosure has been completed. The Public Protector notifies the person who made the disclosure if its processing must continue beyond 60 days after the date on which it was received. The Public Protector must subsequently notify the person, every 90 days, that the processing of the disclosure is ongoing, until the Public Protector puts an end to it.

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1/2

The Public Protector sees to the dissemination of the procedure.

7/2

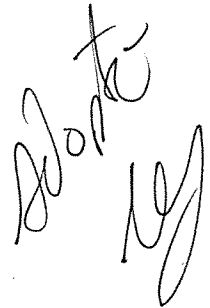
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 9 as amended

SUBAMENDMENT:

Add the following sentence at the end of the second paragraph: "The Public Protector sends such notices in writing."

A handwritten signature in black ink, appearing to be "D. J. [unclear]", written in a cursive style.

SAM 2
AM 12
s. 9

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 9 as amended

SUBAMENDMENT:

Replace "measures" in subparagraph 4 of the first paragraph by "all necessary measures".

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Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 10

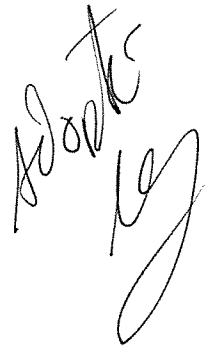
AMENDMENT:

Replace by:

10. If the Public Protector receives a disclosure or has reasonable grounds to believe that a wrongdoing has been committed or is about to be committed, the Public Protector makes the verifications the Public Protector considers appropriate.

In addition, the Public Protector may conduct an investigation or designate any person referred to in section 25 of the Public Protector Act (chapter P-32) to conduct an investigation on the Public Protector's behalf. The Public Protector may give a person who is not a member of the Public Protector's personnel a mandate to examine a disclosure and, if applicable, conduct an investigation or any other specific mandate related to any of the Public Protector's functions. The Public Protector may delegate the exercise of any of the Public Protector's powers to such a person, provided that person is bound by confidentiality requirements equivalent to those that apply to the Public Protector's personnel. Section 25 of the Public Protector Act applies, with the necessary modifications, to such a person conducting an investigation.

The public body concerned must cooperate with the Public Protector.

A handwritten signature in black ink, appearing to read 'Booth' followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 10 as amended

AMENDMENT:

Replace “soit soumise” in the second paragraph of the French text by “se soumette”.

A handwritten signature in black ink, appearing to be 'D. J. J.', is located in the lower right quadrant of the page. The signature is written in a cursive style and is positioned above a horizontal dotted line that spans the width of the page.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 11

AMENDMENT:

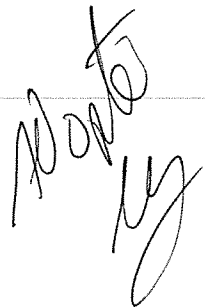
1. Insert “and not in the public interest” at the end of subparagraph 2 of the second paragraph.

2. Insert the following paragraph after subparagraph 3 of the second paragraph:

(3.1) that the subject-matter of the disclosure questions the effectiveness, efficiency or merits of strategies, policy directions and operations related to the investment activities, fund management activities or debt management activities of the Caisse de dépôt et placement du Québec or Investissement Québec;

3. Add the following paragraph at the end:

When putting an end to the processing or examination of a disclosure, the Public Protector sends a notice, with reasons, to the person who made the disclosure, if the person’s identity is known.

A handwritten signature in black ink, appearing to be 'M. P. P.' or similar, located in the lower right quadrant of the page.

Bill 87

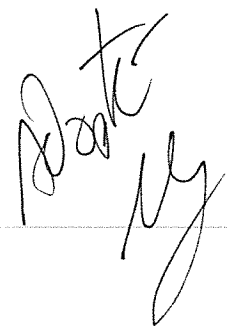
**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 12

AMENDMENT:

Insert the following paragraph after the first paragraph:

In the case of a public body referred to in paragraph 8.1 of section 2, the Public Protector may, if the Public Protector deems it appropriate, inform the Minister of Families.

A handwritten signature in black ink, appearing to read "Dante" followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 13

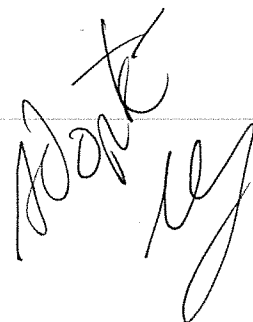
AMENDMENT:

Replace by:

13. If the Public Protector considers that information disclosed to the Public Protector may be disclosed under section 26 of the Anti-Corruption Act (chapter L-6.1), the Public Protector forwards the information, as soon as possible, to the Anti-Corruption Commissioner. The Public Protector may also forward the information necessary to prosecute an offence under an Act to a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force or a professional order.

The Public Protector puts an end to the examination or processing of the disclosure, or continues it, according to the terms agreed to with the body to which the Public Protector has forwarded the information.

If the Public Protector considers it appropriate, the Public Protector notifies the person who made the disclosure that the information has been forwarded.

A handwritten signature in black ink, appearing to be 'Dante' followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

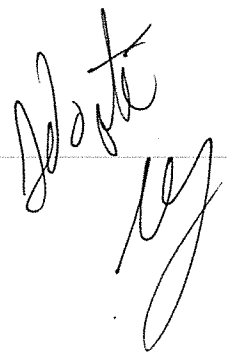
Section 14

AMENDMENT:

Add at the end:

However, in the case of a public body referred to in paragraph 8.1 of section 2, the Public Protector reports the Public Protector's findings to the Minister of Families and, if warranted by the circumstances, to the board of directors of the public body concerned or to the natural person who is the holder of a day care centre permit.

If the Public Protector considers it appropriate, the Public Protector may inform the person who made the disclosure of any follow-up given to the disclosure.

A handwritten signature in black ink, appearing to read "D. J. [unclear]", is located in the lower right quadrant of the page. The signature is written in a cursive style.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 15

AMENDMENT:

Replace “may inform” by “must notify”.

Done
19

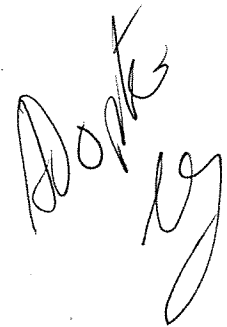
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 15 as amended

AMENDMENT:

Replace "Government in writing or" in the second sentence by "Government in writing and".

A handwritten signature in black ink, appearing to read "Dontz" followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 16

AMENDMENT:

1. Add “or examination” after “processing” in paragraph 2.
2. Add the following paragraph at the end:

The Public Protector must also report on whether the time limits for the processing of disclosures were complied with.

*Adopted
12/15*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 16 as amended

AMENDMENT:

1. Insert “notamment” after “indique” in the introductory clause of the first paragraph of the French text.
2. Add the following subparagraphs at the end of the first paragraph:
 - (5) the number of disclosures broken down according to the categories of wrongdoings set out in section 3;
 - (6) the number of persons who were given access to legal advice;
 - (7) the number of complaints received regarding reprisals;
 - (8) the number of well-founded complaints regarding reprisals;
 - (9) the number of times information was forwarded under the first paragraph of section 13; and
 - (10) any recommendations the Public Protector deems appropriate.

Boyd

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 17

AMENDMENT:

Insert “, other than a body referred to in paragraph 8.1 of section 2,” after “each public body”.

D. J. M.

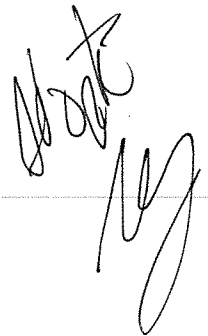
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 18

AMENDMENT:

Replace "must inform" in the second sentence by "must take all necessary measures to inform".

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Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 20

AMENDMENT:

Insert “, including the identity of the person who made the disclosure,” after
“information communicated to him or her” in the first paragraph.

Adopted
g

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 21

AMENDMENT:

1. Insert “and notifies the employee accordingly” at the end of paragraph 2.
2. Insert “and in accordance with the conditions” after “in any of the cases” in paragraph 3.

Adopted
[Signature]

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 22

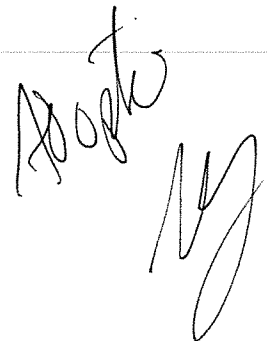
AMENDMENT:

Replace by:

22. If the designated officer considers that information disclosed to him or her may be disclosed under section 26 of the Anti-Corruption Act (chapter L-6.1), he or she forwards the information, as soon as possible, to the Anti-Corruption Commissioner. The designated officer may also forward the information necessary to prosecute an offence under an Act to a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force or a professional order.

The designated officer puts an end to the examination or processing of the disclosure, or continues it, according to the terms agreed to with the body to which he or she has forwarded the information.

If the designated officer considers it appropriate, he or she notifies the person who made the disclosure that the information has been forwarded.

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Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 23

AMENDMENT:

Add at the end:

If the designated officer considers it appropriate, he or she may inform the person who made the disclosure of any follow-up given to the disclosure.

Adopted
[Signature]

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 23.1

AMENDMENT:

Insert after section 23:

23.1. A public body required to establish and disseminate a procedure to facilitate the disclosure of wrongdoings by its employees must include, in its annual report,

- (1) the number of disclosures received by the designated officer;
- (2) the number of disclosures the processing or examination of which was ended under paragraph 3 of section 21; and
- (3) the number of well-founded disclosures.

If a public body does not make an annual report, it uses another means it considers appropriate to make this information public once a year.

Adopted

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 23.1

AMENDMENT:

1. Insert “notamment” after “doit” in the introductory clause of the first paragraph of the French text.
2. Add the following subparagraphs at the end of the first paragraph:
 - (4) the number of disclosures broken down according to the categories of wrongdoings set out in section 3; and
 - (5) the number of times information was forwarded under the first paragraph of section 22.

Adopté
[Signature]

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 23.2

AMENDMENT:

Add after section 23.1 introduced by amendment:

**CHAPTER IV.1
LEGAL ADVICE**

23.2. The Public Protector may provide access to legal advice to any person making or wishing to make a disclosure or cooperating in an audit or investigation conducted on the basis of a disclosure made under Chapters II to IV of this Act or Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1).

Access to legal advice may also be provided to a person referred to in the first paragraph if that person believes a reprisal has been taken against him or her for having, in good faith, made a disclosure or cooperated in an audit or investigation conducted on the basis of a disclosure, unless the reprisal constitutes a practice prohibited by subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1).

To be provided with such access to legal advice, a person must not otherwise have access to legal advice free of charge and must, in the Public Protector's opinion, be in a special situation that warrants legal assistance, for example because of the nature of the person's disclosure or of the person's cooperation in an audit or investigation.

The Public Protector determines, in each case, the manner in and time for which access to legal advice is to be provided.

Adopted

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 23.2

AMENDMENT:

Strike out “must not otherwise have access to legal advice free of charge and” in the third paragraph.

Doyle

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 24.1

AMENDMENT:

Insert after section 24:

24.1. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought nor any injunction granted against a designated officer in the exercise of the functions of office.

A judge of the Court of Appeal may, on an application, summarily annul any judgment, decision, order or injunction rendered or granted contrary to the first paragraph.

*Adopted
by*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 25

AMENDMENT:

Replace "30 to 33" by "27.3, 27.4, 29 to 33".

Alastair
ly

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 26

AMENDMENT:

Insert “, in good faith,” after “the person has”.

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my*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 27

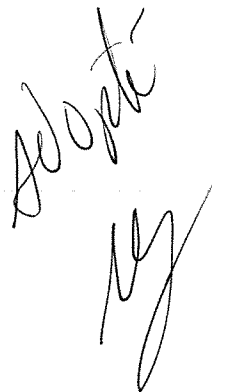
AMENDMENT:

Replace by:

27. The following is presumed to be a reprisal within the meaning of section 26:

(1) the demotion, suspension, dismissal or transfer of a person referred to in that section or any other disciplinary measure or measure that adversely affects such a person's employment or conditions of employment; or

(2) if such a person is the parent of a child attending a childcare establishment referred to in paragraph 8.1 of section 2, depriving the person of any right or subjecting the person to differential treatment or suspending or expelling the person's child.

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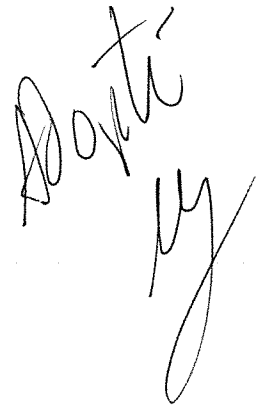
Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 27 as amended

AMENDMENT:

Replace “is the parent of” in paragraph 2 by “is the holder of parental authority over”.

A handwritten signature in black ink, appearing to read "Dorty" followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

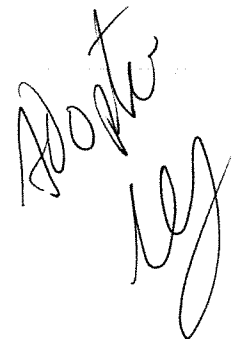
Section 27.1

AMENDMENT:

Insert after section 27:

27.1. Any person who believes a reprisal referred to in section 26 has been taken against him or her may file a complaint with the Public Protector in order to have the Public Protector examine whether the complaint is well-founded and submit any recommendations the Public Protector considers appropriate to the highest ranking administrative official within the public body concerned. Sections 10 to 15 apply to the follow-up of such complaints, with the necessary modifications.

However, if the reprisal a person believes has been taken against him or her constitutes a practice prohibited by subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1), the Public Protector refers that person to the Commission des normes, de l'équité, de la santé et de la sécurité du travail and puts an end to the examination of the complaint.

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Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

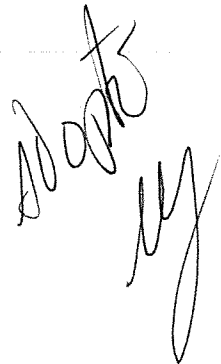
Section 27.1

AMENDMENT:

Replace the first paragraph of section 27.1 introduced by amendment by the following paragraphs:

Any person who believes a reprisal referred to in section 26 has been taken against him or her may file a complaint with the Public Protector in order to have the Public Protector examine whether the complaint is well-founded and submit any recommendations the Public Protector considers appropriate to the highest ranking administrative official within the public body concerned or, if warranted by the circumstances, to the minister responsible for the public body. However, in the case of a public body referred to in paragraph 8.1 of section 2, such recommendations are to be sent to the Minister of Families and, if warranted by the circumstances, to the board of directors of the public body concerned or the natural person holding the day care centre permit.

Sections 10 to 15 apply to the follow-up of such complaints, with the necessary modifications.

A handwritten signature in black ink, appearing to be 'Dante' followed by a stylized flourish.

Bill 87

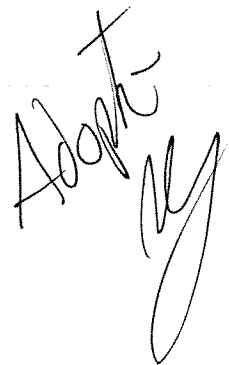
**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 30

AMENDMENT:

Replace by:

30. Anyone, including a director or officer of a legal person or of an employer who, by an act or omission, helps a person to commit an offence under section 28 or 29 or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of the same offence.

A handwritten signature in black ink, appearing to read "Adopted" followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 31

AMENDMENT:

Replace by:

31. Section 69.0.0.16 of the Tax Administration Act (chapter A-6.002) is replaced by the following section:

“69.0.0.16. Information contained in a tax record may be communicated, without the consent of the person concerned, to a person where the communication is necessary for the application or enforcement of a fiscal law, to a police force where an employee of the Agency believes on reasonable grounds that the person concerned has committed or is about to commit, in respect of the Agency or one of its employees or with respect to the application of a fiscal law, a criminal or penal offence and the information is necessary for the investigation relating to that offence, or to a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force and a professional order, where the communication is necessary for the purposes of the Act to facilitate the disclosure of wrongdoings within public bodies (*insert the year and chapter number of that Act*).”

A handwritten signature in black ink, appearing to read 'Monte' followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 32

AMENDMENT:

Replace “of information” in the proposed subparagraph by “where the information is”.

Noted
[Signature]

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 34

AMENDMENT:

Replace “a police force if the Public Protector considers that it might be useful to an investigation concerning an alleged offence under a law” in proposed section 69.4.2 by “a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force and a professional order, where the communication is necessary to prosecute an offence under an Act”.

Adopted
[Signature]


Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 35

AMENDMENT:

Replace both occurrences of “a police force” in the proposed paragraphs by “a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force and a professional order.”.

Adopted


Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 35.1

AMENDMENT:

Insert after section 35:

CHARTER OF VILLE DE MONTRÉAL

35.1. Section 57.1.13 of the Charter of Ville de Montréal (chapter C-11.4) is amended by replacing the third paragraph by the following paragraph:

“However, the lifting of professional secrecy authorized under the second paragraph does not apply to professional secrecy between a lawyer or a notary and a client.”

Adopté
reg

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 35.2

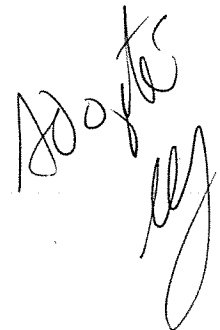
AMENDMENT:

Insert after section 35.1 introduced by amendment:

ANTI-CORRUPTION ACT

35.2. Section 27 of the Anti-Corruption Act (chapter L-6.1) is amended by replacing the second paragraph by the following paragraph:

“However, the lifting of professional secrecy authorized under this Act does not apply to professional secrecy between a lawyer or a notary and a client.”

A handwritten signature in black ink, appearing to be 'Notary' followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

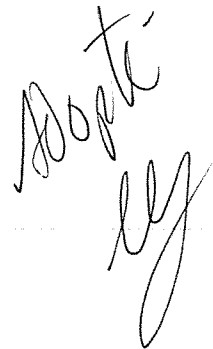
Section 37

AMENDMENT:

Replace by:

37. Section 122 of the Act is amended by adding the following subparagraph after subparagraph 10 of the first paragraph:

“(11) on the ground that the employee has, in good faith, disclosed a wrongdoing or that the employee has cooperated in an audit or investigation regarding such a wrongdoing in accordance with the Act to facilitate the disclosure of wrongdoings within public bodies (*insert the year and chapter number of that Act*) or Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1).”

A handwritten signature in cursive script, appearing to read "Dopti" followed by a flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.1

AMENDMENT:

Insert after section 40:

EDUCATIONAL CHILDCARE ACT

40.1. The Educational Childcare Act (chapter S-4.1.1) is amended by inserting the following after section 101.20:

“CHAPTER VII.2

**“DISCLOSURE OF WRONGDOINGS AND PROTECTION AGAINST
REPRISALS**

“DIVISION I

“DISCLOSURE

“101.21. Any person may contact the Minister to disclose information that could show that a wrongdoing, within the meaning of section 3 of the Act to facilitate the disclosure of wrongdoings within public bodies (*insert the year and chapter number of that Act*), has been committed or is about to be committed in relation to a permit holder delivering subsidized childcare services or a home childcare coordinating office.

Wrongdoings include, in particular, acts committed or about to be committed by a staff member, director or shareholder of a daycare permit holder delivering subsidized childcare or by a home childcare coordinating office, in the exercise of his, her or its functions or by any person, partnership, group or other entity in the preparation or performance of a contract, including a grant of financial assistance, that has been entered into or is about to be entered into with a daycare permit holder delivering subsidized childcare or a home childcare coordinating office.

A disclosure may be made anonymously or not.

“101.22. A person making a disclosure or cooperating in an inspection or investigation conducted on the basis of a disclosure may communicate, in accordance with this Act, any information that could show that a wrongdoing has been committed or is about to be committed.

The first paragraph applies despite the provisions on the communication of information in the Act respecting the protection of personal information in the private sector (chapter P-39.1). It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward an employer or, if applicable, a client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“101.23. Any person may contact the Minister to obtain information about the possibility of making a disclosure in accordance with this chapter or to obtain advice on the procedure for making a disclosure.

“DIVISION II

“FOLLOW-UP OF DISCLOSURES BY THE MINISTER

“101.24. A disclosure of wrongdoing is made to the Minister and diligently processed in accordance with the procedure the Minister determines. The procedure must, among other things,

- (1) provide for a written notice of receipt of the disclosed information to be sent to the person who made the disclosure, if that person’s identity is known;
- (2) specify the manner in which a disclosure is to be filed;
- (3) determine the time limits for processing a disclosure;
- (4) state that any person may disclose information to the Public Protector or the Minister;
- (5) subject to section 101.28, include all necessary measures to ensure that the identity of the person who makes a disclosure or cooperates in an inspection or investigation conducted on the basis of a disclosure remains confidential;
- (6) include measures to protect the rights of the persons involved in a disclosure, in particular during an inspection or investigation; and
- (7) state the protection provided for by Division III of this chapter against reprisals and the time limit for exercising a recourse against a practice

prohibited by subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1).

For the purposes of subparagraph 3 of the first paragraph, the procedure must provide that the person who made the disclosure, if that person's identity is known, is notified as soon as the processing of the disclosure has been completed. The Minister notifies the person who made the disclosure if its processing must continue beyond 60 days after the date on which it was received. The Minister must subsequently notify the person, every 90 days, that the processing of the disclosure is ongoing, until the Minister puts an end to it. The Minister sends such notices in writing.

The Public Protector sees to the dissemination of the procedure.

“101.25. If the Minister receives a disclosure or has reason to believe that a wrongdoing has been committed or is about to be committed, the Minister designates any person referred to in section 72 or 80 to conduct, as the case may be, the inspections or investigations the Minister considers appropriate.

“101.26. Any person designated under section 101.25 is bound to confidentiality in exercising the functions of office and must, among other things, take the necessary measures to ensure that any information communicated to him or her remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no one may have access to or rectify information communicated to the Minister.

“101.27. At any time, the Minister must put an end to the processing of a disclosure if the alleged wrongdoing is the subject of court proceedings or relates to a decision rendered by a court.

In addition, the Minister puts an end to the examination of a disclosure if of the opinion, in particular,

(1) that the subject-matter of the disclosure does not fall within the Minister's mandate;

(2) that the disclosure is made for personal purposes and not in the public interest;

(3) that the subject-matter of the disclosure questions the merits of the policies and program objectives of the Government; or

(4) that the disclosure is frivolous.

When putting an end to the processing or examination of a disclosure, the Minister sends a notice, with reasons, to the person who made the disclosure, if the person's identity is known.

“101.28. If the Minister considers that information disclosed to the Minister may be disclosed under section 26 of the Anti-Corruption Act (chapter L-6.1), the Minister forwards the information, as soon as possible, to the Anti-Corruption Commissioner. The Minister may also forward the information necessary to prosecute an offence under an Act to a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force or a professional order.

The Minister puts an end to the examination or processing of the disclosure, or continues it, according to the terms agreed to with the body to which the Minister has forwarded the information.

If the Minister considers it appropriate, the Minister notifies the person who made the disclosure that the information has been forwarded.

“101.29. Once the inspection or investigation has been concluded, the Minister may take any measure provided for in this Act that the Minister considers appropriate against the permit holder or home childcare coordinating office.

If the Minister considers it appropriate, the Minister may inform the person who made the disclosure of any follow-up given to the disclosure.

“101.30. The Minister includes, in the annual management report referred to in section 11 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2),

- (1) the number of disclosures received;
- (2) the number of disclosures whose processing or examination was ended under section 101.27;
- (3) the number of well-founded disclosures;
- (4) the number of disclosures under section 101.21, broken down according to the categories of wrongdoings set out in section 3 of the Act to facilitate the disclosure of wrongdoings within public bodies (*insert the year and chapter number of that Act*); and
- (5) the number of times information was forwarded under the first paragraph of section 101.28.

**“DIVISION III
“PROTECTION AGAINST REPRISALS**

“101.31. It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, made a disclosure or cooperated in an inspection or investigation conducted on the basis of a disclosure.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from making a disclosure or cooperating in an inspection or investigation conducted on the basis of a disclosure.

“101.32. The following is presumed to be a reprisal within the meaning of section 101.31:

(1) the demotion, suspension, dismissal or transfer of a person referred to in that section or any other disciplinary measure or measure that adversely affects such a person’s employment or conditions of employment; or

(2) if such a person is the parent of a child attending a childcare centre or a day care centre delivering subsidized childcare, depriving the person of any right or subjecting the person to differential treatment or suspending or expelling the person’s child.

“101.33. Any person who believes a reprisal referred to in section 101.31 has been taken against him or her may file a complaint with the Minister in order to have the Minister examine whether the complaint is well-founded and take, if applicable, any measure provided for by this Act that the Minister considers appropriate in relation to the permit holder or home childcare coordinating office concerned. Sections 101.25 to 101.29 apply to the follow-up of such complaints, with the necessary modifications.

However, if the reprisal a person believes has been taken against him or her constitutes a practice prohibited by subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1), the Minister refers that person to the Commission des normes, de l’équité, de la santé et de la sécurité du travail and puts an end to the examination of the complaint.”

5/5

SAM 1
AM 43
s. 40.1 (101.21)

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.1

AMENDMENT:

Insert "at any time" after "the Minister" in the first paragraph of section 101.21 proposed by section 40.1 introduced by amendment.

*Approved
by*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.1

AMENDMENT:

Replace section 101.25 proposed by section 40.1, introduced by amendment, by:

“101.25. If the Minister receives a disclosure or has reasonable grounds to believe that a wrongdoing has been committed or is about to be committed, the Minister designates any person referred to in section 72 or 80 to conduct, as the case may be, the audits or investigations the Minister considers appropriate.

Asst. Reg.

SAM 3
AM 43
s. 40.1 (101.26)

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.1 (101.26)

AMENDMENT:

Insert “, including the identity of the person who made the disclosure,” after “information communicated to him or her” in the first paragraph of section 101.26 proposed by section 40.1 introduced by amendment.

Adopted

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.1

AMENDMENT:

Replace section 101.30 proposed by section 40.1, introduced by amendment, by:

101.30. The Minister includes, in the annual management report referred to in section 11 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2),

- (1) the number of disclosures received;
- (2) the number of disclosures whose processing or examination was ended under section 101.27;
- (3) the number of undertaken, ongoing or concluded investigations;
- (4) the number of well-founded disclosures, including those entailing corrective measures;
- (5) the number of disclosures under section 101.21, broken down according to the categories of wrongdoings set out in section 3 of the Act to facilitate the disclosure of wrongdoings within public bodies (*insert the year and chapter number of that Act*); and
- (6) the number of times information was forwarded under the first paragraph of section 101.28.

The Minister must also report on whether the time limits for the processing of disclosures were complied with.

*Adams
leg*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.2

AMENDMENT:

Insert after section 40.1 introduced by amendment:

40.2. Section 109 of the Act is amended by striking out “section 78,”.

A handwritten signature in black ink, appearing to read "Antony", is located in the lower right quadrant of the page.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.3

AMENDMENT:

Add after section 40.2 introduced by amendment:

40.3. The Act is amended by inserting the following section after section 115:

“**115.1.** A person that contravenes section 78 is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.”

*Adopted
YJ*

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.4

AMENDMENT:

Insert after section 40.3 introduced by amendment:

40.4. The Act is amended by inserting the following sections after section 117:

“**117.1.** A person that contravenes section 101.31 is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases.

“**117.2.** A person, including a director or a shareholder of a permit holder delivering subsidized childcare or a home childcare coordinating office, that, by an act or omission, helps a person to commit an offence under section 115.1 or 117.1 or that, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of the same offence.”

Adopted
lg

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 40.5

AMENDMENT:

Add after section 40.4 introduced by amendment:

40.5. Sections 118 and 119 of the Act are amended by replacing “117” by “117.2”.

Adopted

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

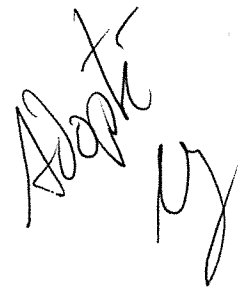
Section 40.6

AMENDMENT:

Replace the heading of Chapter IX by:

TRANSITIONAL AND FINAL PROVISIONS

40.6. The new provisions of section 57.1.13 of the Charter of Ville de Montréal (chapter C-11.4) and section 27 of the Anti-Corruption Act (chapter L-6.1), respectively enacted by section 35.1 and 35.2 of this Act, are declaratory.

A handwritten signature in black ink, appearing to be 'Adair' followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 41

AMENDMENT:

Replace "five" in the first paragraph by "three".

A handwritten signature in black ink, appearing to read "Booki" followed by a stylized flourish.

Bill 87

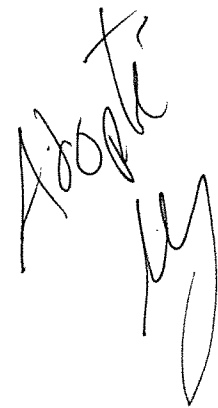
**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 41

AMENDMENT:

Add the following paragraph at the end:

The report must be referred to the competent parliamentary committee for consideration within 15 days after its tabling in the National Assembly.

A handwritten signature in black ink, appearing to read 'Abdullah' followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 42

AMENDMENT:

Replace by:

42. The minister who is Chair of the Conseil du trésor is responsible for the administration of this Act.

Hook
g

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Section 43

AMENDMENT:

Replace “the date or dates to be set by the Government” in the first paragraph by
“1 May 2017”.

A handwritten signature in black ink, appearing to read "Boone" followed by a stylized flourish.

Bill 87

**An Act to facilitate the disclosure of
wrongdoings within public bodies**

Title of the bill and its occurrences

AMENDMENT:

1. Replace “within” in the title of the bill by “relating to”.
2. Replace “within” in all occurrences of the title of the bill in sections 31 to 35, 37 and 39 to 40.1 by “relating to” .

*Asorti
ry*