



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 198

**An Act to facilitate disclosure
of wrongdoings**

Introduction

**Introduced by
Mr. Vincent Marissal
Member for Rosemont**

**Québec Official Publisher
2019**

EXPLANATORY NOTES

The purpose of this Act is to facilitate disclosure, in the public interest, of wrongdoings committed or about to be committed and to establish a new general regime to protect persons making disclosures from reprisal.

The bill entrusts the responsibility for receiving and processing disclosures of wrongdoings, currently devolving on the Public Protector, to the Integrity Commissioner and broadens the scope of that responsibility to include all wrongdoings, not only those relating to public bodies.

The bill provides that any person may disclose information to the Integrity Commissioner that potentially shows that a wrongdoing has been committed or is about to be committed. It also allows a person to publicly disclose any information he or she considers necessary if that person has reasonable grounds to believe that a wrongdoing posing a serious, collective risk, such as a threat to a person's health or safety or to the environment, has been committed or is about to be committed.

The bill further provides that the National Assembly is to appoint an Integrity Commissioner who, among other things, is responsible for receiving disclosures of wrongdoings. It sets out the Integrity Commissioner's duties, which include conducting an investigation following a disclosure and making the recommendations that he or she considers appropriate in a report he or she sends to the highest ranking administrative official of the entity concerned.

The bill prohibits reprisal against a person who, in good faith, makes a disclosure or collaborates on an audit or investigation conducted following a disclosure. However, the bill provides that such protection does not apply to a person who makes an unfounded public disclosure.

Lastly, the bill requires that a report on the Act's implementation be tabled in the National Assembly.

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Act respecting the Autorité des marchés publics (chapter A-33.2.1);
- Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);
- Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1);
- Act respecting labour standards (chapter N-1.1);
- Public Protector Act (chapter P-32);
- Educational Childcare Act (chapter S-4.1.1).

LEGISLATION REPEALED BY THIS BILL:

- Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1).

Bill 198

AN ACT TO FACILITATE DISCLOSURE OF WRONGDOINGS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND SCOPE

1. The purpose of this Act is to facilitate disclosure, in the public interest, of wrongdoings committed or about to be committed and to establish a general regime to protect persons making disclosures from reprisal.

2. For the purposes of this Act, the following constitute wrongdoings:

(1) contravention of a Québec statute, federal statute applicable in Québec or regulation made pursuant to such a statute;

(2) a serious breach of a public body's standards of ethics and professional conduct;

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

(4) gross mismanagement within a public body, including abuse of authority;

(5) any act or omission that seriously threatens or may seriously threaten a person's health or safety or the environment; or

(6) ordering or advising a person to commit a wrongdoing referred to in paragraphs 1 to 5.

For the purposes of this Act, the following are public bodies:

(1) government departments;

(2) bodies and persons appointed or designated by the Government or a minister whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(3) budget-funded bodies and bodies other than budget-funded bodies listed respectively in Schedules 1 and 2 to the Financial Administration Act (chapter A-6.001) and the persons listed in those schedules;

(4) government enterprises listed in Schedule 3 to the Financial Administration Act, the Commission de la construction du Québec and the Caisse de dépôt et placement du Québec;

(5) school boards governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), the Comité de gestion de la taxe scolaire de l'île de Montréal, and general and vocational colleges established by the General and Vocational Colleges Act (chapter C-29);

(6) university-level educational institutions listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(7) public and private institutions under agreement within the meaning of the Act respecting health services and social services (chapter S-4.2) and the regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5);

(8) persons appointed or designated by the National Assembly to an office under its authority and the personnel they manage;

(9) 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);

(10) municipal bodies within the meaning of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and legal persons referred to in subparagraph 2 of the first paragraph of section 107.7 of the Cities and Towns Act (chapter C-19); and

(11) any other entity designated by the Government.

3. This Act does not apply to disclosures made for personal purposes and that are not in the public interest, such as when the subject matter pertains solely to a condition of employment of the person making the disclosure, nor does it apply to disclosures whose purpose is to question the merits of the policies and program objectives of the Government or a public body. The same is true for disclosures 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.

Moreover, this Act does not apply

(1) to disclosures of contravening an Act or regulation regarding the tendering or awarding process for, or performance of, a public contract referred to in the first paragraph of section 20 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1);

(2) to disclosures falling within the inspector general's oversight mandate provided for in section 57.1.8 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4); or

(3) to disclosures regarding an ethics- or conduct-related violation covered by Division I of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1).

CHAPTER II

DISCLOSURE OF WRONGDOINGS

4. Any person may, at any time, contact the Integrity Commissioner to disclose information that might show that a wrongdoing has been committed or is about to be committed. Such a disclosure may be anonymous or not.

Where a disclosure concerns a public body referred to in subparagraph 9 of the second paragraph 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 to make the disclosure.

Where a person wishes to make a disclosure concerning a public body referred to in subparagraph 10 of the second paragraph of section 2, he or she may contact the minister responsible for municipal affairs to make the disclosure.

5. If a person has reasonable grounds to believe that a wrongdoing committed or about to be committed poses a serious, collective risk that the public must be made aware of, such as a serious risk to a person's health or safety or to the environment, he or she may publicly disclose any information he or she considers reasonably necessary to guard against that risk and may enjoy the protection from reprisal provided for in this Act.

However, communication of that information must not have the foreseeable effect of hindering intervention measures intended to guard against the risk.

6. A person making a disclosure or collaborating on an audit or investigation conducted on the basis of a disclosure may, under this Act, communicate any information that might show that a wrongdoing has been committed or is about to be committed.

The first paragraph applies despite the provisions regarding communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information. It also applies despite any other communication restrictions under an Act and any duty of confidentiality or loyalty that may be binding on the person, in particular regarding his or her employer or, if applicable, his or her client.

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

CHAPTER III

DISCLOSURE FOLLOW-UP BY THE INTEGRITY COMMISSIONER

7. The Integrity Commissioner establishes the procedure for diligently processing disclosures and ensures its dissemination. Among other things, the procedure must

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

(2) specify the manner in which disclosures are to be filed;

(3) determine the time limit for processing disclosures;

(4) subject to section 11, include all necessary measures to ensure that the identity of the person making a disclosure or collaborating on an audit or investigation conducted on the basis of a disclosure remains confidential;

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

(6) state the protection from reprisal provided for in Chapter VII and the time limit for exercising a recourse against a practice prohibited under 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, be notified as soon as its processing has been completed. The Integrity Commissioner notifies the person who made the disclosure if processing will exceed 60 days after the date on which the disclosure was received. The Integrity Commissioner must subsequently notify the person every 90 days that processing is ongoing, until the Integrity Commissioner ends it. The Integrity Commissioner sends such notices in writing.

8. Where the Integrity Commissioner receives a disclosure or has reasonable grounds to believe that a wrongdoing has been committed or is about to be committed, he or she conducts the verifications he or she considers appropriate.

9. At any time, the Integrity Commissioner may end a disclosure's processing if the alleged wrongdoing is the subject of court proceedings, relates to a decision rendered by a court or does not fall within the Integrity Commissioner's mandate.

In addition, the Integrity Commissioner may end a disclosure's processing on any other grounds, if, in particular, he or she considers

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

(2) that the disclosure is frivolous.

When ending a disclosure's processing or examination, the Integrity Commissioner sends a notice, with reasons, to the person who made the disclosure, if that person's identity is known.

10. On deciding to conduct an investigation, the Integrity Commissioner may inform any person, including the alleged author of a wrongdoing referred to in the disclosure and, if applicable, the director of the entity concerned or the hierarchical superior of the alleged author of a wrongdoing referred to in the disclosure, or, if the alleged author is an officer of a legal person, the legal person's board of directors, that an investigation is being conducted and advise him or her of the disclosure's subject matter.

11. If the Integrity Commissioner considers that information brought to his or her attention may be disclosed under section 26 of the Anti-Corruption Act (chapter L-6.1), the Integrity Commissioner forwards the information to the Anti-Corruption Commissioner without delay. The Integrity Commissioner also forwards the information required to prosecute an offence under an Act to any body responsible for preventing, detecting or repressing crime or statutory offences, including a police force or professional order.

Likewise, if the Integrity Commissioner considers that information brought to his or her attention can be communicated under another procedure for disclosure provided for by an Act, the Integrity Commissioner forwards the information without delay to the person or entity to which the information may be communicated under that Act.

The Integrity Commissioner ends the disclosure's processing or continues it in accordance with the terms agreed to with the body to which the Commissioner has forwarded the information, in particular as concerns information sharing.

CHAPTER IV

AUDIT OR INVESTIGATION REPORT

12. Once the audit or investigation has been concluded, the Integrity Commissioner reports his or her findings to the highest ranking administrative official in the entity concerned. The Integrity Commissioner makes the recommendations he or she considers appropriate and may request to be informed, within the time specified, of the corrective measures taken to implement them.

In the case of a public body, if warranted by the circumstances, the Integrity Commissioner reports on his or her conclusions to the minister responsible for that body.

However, in the case of a public body referred to in subparagraph 9 of the second paragraph of section 2, the Integrity Commissioner reports his or her 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 holding the day care centre permit.

In the case of a public body referred to in subparagraph 10 of the second paragraph of section 2, the Integrity Commissioner may, in addition to the communication provided for in the first paragraph and if warranted by the circumstances, report his or her findings and send his or her recommendations to the council or board of the public body and to any local municipality with ties to that body if the latter is not a local municipality.

Where the Integrity Commissioner considers it appropriate, he or she may inform the person who made the disclosure of the follow-up carried out in its regard.

13. The Integrity Commissioner must make all audit and investigation reports public within 60 days after submitting them under section 12, unless the Integrity Commissioner considers that such disclosure could be prejudicial.

The Integrity Commissioner must allow the entity referred to in the report to submit its observations to him or her as to whether it is necessary to refrain from disclosing certain information or making the report public.

Likewise, the Integrity Commissioner must ensure that confidential personal information is protected.

14. Where an audit or investigation report is not made public, the Integrity Commissioner informs the members of the National Assembly committee, formed under section 11 of the Act respecting the National Assembly (chapter A-23.1), by outlining the nature of the wrongdoings being audited or investigated and the reasons for his or her decision to refrain from making the report public.

The competent parliamentary committee may hear the Integrity Commissioner in camera regarding any audit or investigation report that is not made public.

15. If, after making recommendations, the Integrity Commissioner considers that the entity concerned has failed to take satisfactory measures within a reasonable time, he or she must notify the highest ranking administrative official of the entity concerned, or, in the case of a public body, the minister responsible for that body, in writing. If the Integrity Commissioner sees fit, he or she may subsequently notify the Government in writing and outline the case in a special report or in his or her annual report to the National Assembly.

CHAPTER V

DISCLOSURE FOLLOW-UP BY THE MINISTER RESPONSIBLE FOR MUNICIPAL AFFAIRS

16. Disclosures concerning public bodies referred to in subparagraph 10 of the second paragraph of section 2 are processed by the minister responsible for municipal affairs in keeping with the rules set out in sections 7 to 15, with the necessary modifications.

17. If the minister considers that the disclosure does not fall within his or her responsibilities under section 7 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) or if it involves the minister's department, the minister forwards the information related to the disclosure to the Integrity Commissioner for processing.

CHAPTER VI

LEGAL ADVICE

18. Legal advice may be made available to any person making or wishing to make a disclosure or collaborating on an audit or investigation conducted on the basis of a disclosure made under this Act or Chapter VII.2 of the Educational Childcare Act if the Integrity Commissioner considers that the person's situation warrants it.

Legal advice may also be made available to the person referred to in the first paragraph if that person believes himself or herself to be a victim of reprisal for having, in good faith, made a disclosure or collaborated on an audit or investigation conducted on the basis of a disclosure, unless the reprisal constitutes a practice prohibited under subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards.

19. The Integrity Commissioner must claim reimbursement of the cost of that legal advice if he or she considers that the disclosure is unfounded and that it was made in bad faith.

CHAPTER VII

PROTECTION FROM REPRISAL

20. The Integrity Commissioner must take the measures necessary to protect the identity of persons making a disclosure.

21. It is forbidden to take reprisal against a person on the grounds that he or she has, in good faith, made a disclosure or collaborated on an audit or investigation conducted on the basis of a disclosure.

However, the first paragraph does not apply to a person who makes an unfounded public disclosure.

It is also forbidden to threaten a person with reprisal so that he or she will refrain from making a disclosure or collaborating on an audit or investigation conducted on the basis of a disclosure.

22. The following are deemed to be reprisals within the meaning of section 21:

(1) demotion, suspension, dismissal or transfer of the person referred to in section 21 or any other disciplinary measure or measure that adversely affects that person's employment or conditions of employment; or

(2) depriving the person of rights or treating the person differently or suspending or expelling the person's child, if the person has parental authority over a child attending a childcare establishment referred to in subparagraph 9 of the second paragraph of section 2.

23. Subject to the second paragraph, any person who believes himself or herself to be a victim of a reprisal referred to in section 21 may file a complaint with the Integrity Commissioner to have the Integrity Commissioner determine whether the complaint is founded and submit, if applicable, any recommendations he or she considers appropriate to the highest ranking administrative official in the entity concerned by the reprisal or, in the case of a public body, if warranted by the circumstances, to the minister responsible for the public body. However, in the case of a public body referred to in subparagraph 9 of the second paragraph of section 2, such recommendations are 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.

Any complaint regarding reprisal concerning a public body referred to in subparagraph 10 of the second paragraph of section 2 may be addressed, at the complainant's choice, either to the Integrity Commissioner or to the minister responsible for municipal affairs. However, the latter may not examine any complaint related to a disclosure involving the minister and must transfer it to the Integrity Commissioner for examination. Once examination of the complaint has been completed, the Integrity Commissioner or minister must submit his

or her recommendations, if any, to the highest ranking administrative official in the body concerned and, if the Integrity Commissioner or minister considers it appropriate, to the body's council or board and to any local municipality with ties to that body if the latter is not a local municipality.

The provisions of this Act concerning disclosure follow-up apply to complaint follow-up, with the necessary modifications.

However, where the reprisal a person believes himself or herself to be a victim of constitutes a practice prohibited under subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards, the Integrity Commissioner or the minister responsible for municipal affairs, as applicable, refers the person to the Commission des normes, de l'équité, de la santé et de la sécurité du travail and ends examination of the complaint.

24. Persons who make disclosures or collaborate on audits or investigations conducted on the basis of disclosures incur no civil liability for doing so.

However, the first paragraph does not apply to persons who, in bad faith, make unfounded disclosures.

CHAPTER VIII

INTEGRITY COMMISSIONER

DIVISION I

APPOINTMENT, MISSION AND ORGANIZATION

25. On a joint motion of the Premier and the Leader of the Official Opposition, after consulting with the Leaders of the other authorized parties represented in the National Assembly and with the approval of two-thirds of the Members, the Assembly appoints an Integrity Commissioner.

The Assembly determines, in the same manner, the remuneration, employee benefits and other conditions of employment of the Integrity Commissioner.

26. The Integrity Commissioner's mission is to receive disclosures of wrongdoings and ensure their follow-up in accordance with the process provided for by this Act.

27. The Integrity Commissioner is appointed for a fixed term that may not exceed five years. At the expiry of the term, the Integrity Commissioner remains in office until reappointed or replaced.

The Integrity Commissioner may resign at any time by giving notice in writing to the President of the National Assembly. The Commissioner may be dismissed only by a resolution of the Assembly approved by two-thirds of the Members.

28. Where the Integrity Commissioner leaves office or is unable to act, the Government, after consulting with the Leaders of the authorized parties that are represented in the National Assembly, may designate a person to act as Integrity Commissioner for a period not exceeding six months.

The Government determines the designated person's remuneration, employee benefits and other conditions of employment.

29. Before taking office, the Integrity Commissioner must take the oath set out in Schedule I to this Act before the President of the National Assembly.

30. The Integrity Commissioner must avoid placing himself or herself in a direct or indirect situation of conflict of interest between his or her private interests and his or her duties of office.

31. The Integrity Commissioner determines the number of staff members needed for the Integrity Commissioner to exercise his or her duties of office, their assignments and the levels of their positions.

Integrity Commissioner staff members are appointed in accordance with the Public Service Act.

DIVISION II

POWERS AND IMMUNITIES

32. For the purposes of an investigation, the Integrity Commissioner and the members of the Integrity Commissioner's staff he or she designates in writing for that purpose have the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

33. No legal action may be brought against the Integrity Commissioner or the Integrity Commissioner's staff members for an official act performed in good faith in the exercise of their duties.

34. No application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be filed, nor any injunction granted, against the Integrity Commissioner or the Integrity Commissioner's staff members acting in their official capacity.

35. A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to section 33 or 34.

36. Despite any Act inconsistent herewith, no person may be compelled to give testimony relating to information he or she obtained in performing his or her duties as Integrity Commissioner, or as a member of the Integrity Commissioner's staff, nor to produce any document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no one has right of access to such a document.

37. No civil action may be instituted on the grounds of or as a result of publication of an Integrity Commissioner's report under this Act or publication, in good faith, of an excerpt from or summary of such a report.

DIVISION III

FINANCIAL AND ADMINISTRATIVE PROVISIONS

38. The Integrity Commissioner prepares budget estimates every year and submits them before 1 April to the Office of the National Assembly, which approves them with or without modification.

39. Where, in the course of a fiscal year, the Integrity Commissioner foresees having to exceed the budget estimates approved by the Office of the National Assembly, he or she prepares supplementary budget estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

40. Chapter III, Chapter IV, except section 44, the second and fourth paragraphs of section 45, sections 46 and 53 and the third paragraph of section 57, and section 73 of the Public Administration Act (chapter A-6.01) apply to the Integrity Commissioner.

However, the Office of the National Assembly may, by regulation, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

41. The provisions of the Financial Administration Act, except sections 30 and 31, applicable to budget-funded bodies apply to management of the Integrity Commissioner's financial resources.

42. Not later than 30 September, the Integrity Commissioner must forward an activity report and financial statements for the preceding fiscal year to the President of the National Assembly.

The President of the National Assembly must table the report and financial statements before the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption.

The Integrity Commissioner may, at any time during the year, prepare a special report on any matter under his or her authority and whose urgency or importance warrants it.

43. The Integrity Commissioner's activity report must indicate, in particular,

- (1) the number of disclosures received;
- (2) the number of disclosures whose processing he or she ended under section 9;
- (3) the number of investigations that were undertaken, are ongoing or were concluded;
- (4) the number of founded disclosures;
- (5) the number of disclosures by category of wrongdoing set out in the first paragraph of section 2;
- (6) the number of persons to whom legal advice was made available;
- (7) the number of complaints received regarding reprisals;
- (8) the number of founded complaints regarding reprisals;
- (9) the number of times information was communicated under section 11; and
- (10) any recommendations the Integrity Commissioner deems appropriate.

The Integrity Commissioner must also report on whether the disclosure processing time limit was respected.

CHAPTER IX

PENAL PROVISIONS

44. Anyone who

- (1) discloses information under section 4 that he or she knows to be false or misleading, or
- (2) contravenes section 21,

is liable to a fine of \$2,000 to \$200,000 in the case of a natural person and to a fine of \$10,000 to \$1,000,000 in other cases.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

45. Anyone who hinders or attempts to hinder the Integrity Commissioner or the minister responsible for municipal affairs in the exercise of their duties of office, who refuses to provide information or a document they are required to provide or refuses to make it available, or who conceals or destroys a document relevant to an audit or investigation is liable to a fine of \$4,000 to \$200,000.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

46. Anyone, including a director or officer of a legal person or an employer who, by an act or omission, helps a person commit an offence provided for under section 44 or 45 or who, by encouragement, advice, authorization or order, induces another person to commit such an offence is liable to the same penalty as that prescribed for the offence he or she helps the person to commit.

CHAPTER X

AMENDING PROVISIONS

TAX ADMINISTRATION ACT

47. Section 69.0.0.16 of the Tax Administration Act (chapter A-6.002) is amended by replacing “Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” by “Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

48. Section 69.1 of the Act is amended

(1) by striking out “or where the information is necessary for the application of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in subparagraph *i* of the second paragraph;

(2) by inserting the following subparagraph after subparagraph *i* of the second paragraph:

“(i.1) the Integrity Commissioner, in respect of information necessary for the purposes of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”;

49. Section 69.3 of the Act is amended by replacing “Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in the second paragraph by “Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

50. Section 69.4.2 of the Act is amended

(1) by replacing “Public Protector” by “Integrity Commissioner”;

(2) by replacing “the application of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” by “the purposes of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

51. Section 69.6 of the Act is amended

(1) by striking out “either to the designated officer in accordance with the third paragraph of section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) or” in the second paragraph;

(2) by striking out the third paragraph.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

52. Section 58 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by replacing “to the Public Protector for access to legal advice under section 26 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), in which case the third and fourth paragraphs of that section apply, with the necessary modifications” by “to the Integrity Commissioner for access to legal advice under section 18 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

53. Section 71 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) disclosed to the Integrity Commissioner or the minister responsible for municipal affairs, as applicable, under section 4 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*);”.

ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS
RELATING TO PUBLIC BODIES

54. The Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is repealed.

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

55. Section 36.4 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by replacing “Public Protector to obtain the legal advice provided for in section 26 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), in which case the third and fourth paragraphs of that section apply, with the necessary modifications” by “Integrity Commissioner to obtain the legal advice provided for in section 18 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

56. Section 36.5 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following paragraph:

“(2) disclosed to the Integrity Commissioner or the minister responsible for municipal affairs, as applicable, under section 4 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*);”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

57. Section 14 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by replacing “section 11 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in the first paragraph by “section 8 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

58. Section 17.8 of the Act is amended by replacing “Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in the introductory clause of the third paragraph by “Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

ACT RESPECTING LABOUR STANDARDS

59. Section 122 of the Act respecting labour standards (chapter N-1.1) is amended by replacing subparagraph 11 of the first paragraph by the following subparagraph:

“(11) on the grounds that the employee has 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 disclosure of wrongdoings (*insert the year and chapter number of that Act*) or Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1), unless the employee made an unfounded public disclosure;”.

PUBLIC PROTECTOR ACT

60. Section 11 of the Public Protector Act (chapter P-32) is amended by striking out “, the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in the first paragraph.

61. Section 13 of the Act is amended by striking out “assigned to the Public Protector under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), as well as those” in the third paragraph.

EDUCATIONAL CHILDCARE ACT

62. Section 101.21 of the Educational Childcare Act (chapter S-4.1.1) is amended by replacing “section 4 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in the first paragraph by “section 2 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

63. Section 101.30 of the Act is amended by replacing “section 4 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)” in subparagraph 5 of the first paragraph by “section 2 of the Act to facilitate disclosure of wrongdoings (*insert the year and chapter number of that Act*)”.

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

64. On the coming into force of this Act, the Public Protector ceases to exercise the duties conferred on him under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) and refers any person approaching him to disclose a wrongdoing to the Integrity Commissioner.

Despite the first paragraph, any disclosure follow-up begun under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) before the coming into force of this Act continues to be processed by the Public Protector according to the procedure provided for in that Act.

The Integrity Commissioner must, not later than three years after the coming into force of this Act, report on its implementation and the advisability of maintaining or amending it.

The report must be submitted to the President of the National Assembly, who tables it before the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption. The competent parliamentary committee of the National Assembly must then examine the report.

65. This Act comes into force on (*insert the date that is six months after the date of assent to this Act*).

SCHEDULE I
(Section 29)

OATH

I, (*name*), declare under oath that I will fulfil the duties of Integrity Commissioner honestly and fairly.

I further declare under oath that, unless duly authorized, I will not reveal or disclose anything that may come to my knowledge in or in connection with the exercise of my duties of office.

