



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 47

**An Act to reinforce the protection
of students**

Introduction

**Introduced by
Mr. Bernard Drainville
Minister of Education**

**Québec Official Publisher
2023**

EXPLANATORY NOTES

This bill amends the Education Act and the Private Education Act to introduce various provisions to reinforce the protection of students.

For that purpose, school service centres and private educational institutions will be required under the bill to adopt a code of ethics applicable to members of their personnel and to other persons required to work with their minor students or be regularly in contact with them.

The bill provides for the obligation of school service centres and private educational institutions to ensure, before hiring persons who would be required to work with minor students or be regularly in contact with them, that they have not exhibited behaviour that could reasonably pose a threat for the physical or psychological safety of students in the exercise of their functions in such a centre or such an institution. Those centres and institutions will also be required, when they conclude that such behaviour has been exhibited by a person, to so inform the other school service centres and private educational institutions in which the person who has exhibited such behaviour holds a position.

The bill allows those centres and institutions to take into account a disciplinary measure previously imposed on an employee because of a behaviour that could reasonably pose a threat for the physical or psychological safety of students when they impose a disciplinary measure on the same employee because of such behaviour, despite any provision relating to working conditions.

Every employee of a school service centre or private educational institution will have the obligation under the bill to report without delay to the Minister of Education any situation involving a teacher and behaviour that could reasonably pose a threat for the physical or psychological safety of students. Lastly, the Minister is allowed to submit to an inquiry committee any situation concerning a teacher that has been brought to the Minister's attention if the latter is of the opinion that the information in his or her possession could demonstrate a serious fault committed in the exercise of the teacher's functions or an act derogatory to the honour or dignity of the teaching profession.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting private education (chapter E-9.1);
- Education Act (chapter I-13.3).

Bill 47

AN ACT TO REINFORCE THE PROTECTION OF STUDENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. The Education Act (chapter I-13.3) is amended by inserting the following section after section 28:

“28.1. The Minister may submit to the inquiry committee any situation concerning a teacher that is brought to the Minister’s attention if he is of the opinion that the information in his possession could demonstrate a serious fault committed in the exercise of the teacher’s functions or an act derogatory to the honour or dignity of the teaching profession.

That information is processed as a complaint and examined in accordance with the provisions of this division, with the necessary modifications.”

2. Section 215 of the Act is amended by adding the following paragraph at the end:

“The agreement must be accompanied by the code of ethics provided for in section 258.0.1 and must provide that any person required to work with minor students or be regularly in contact with them must undertake to comply with that code of ethics.”

3. The Act is amended by inserting the following section before section 258.1:

“258.0.1. The school service centre shall adopt a code of ethics applicable to members of its personnel and to any person required to work with minor students or be regularly in contact with them. The code must set out, in particular, the practices and conduct expected of persons required to work with minor students or be regularly in contact with them. In addition, the code must set out the obligation to report to the school service centre any failure to comply with its provisions that could reasonably pose a threat for the physical or psychological safety of the students.

The school service centre must ensure access to the code to any person who requests it.”

4. Section 258.4 of the Act is amended

(1) by replacing “judicial record verification guide for school service centres” by “guide for school service centres on the verification of judicial records and of behaviours that could reasonably pose a threat for the physical or psychological safety of students”;

(2) by adding the following sentence at the end: “In particular, the guide must pertain to the period covered by the verification of behaviours.”

5. The Act is amended by inserting the following sections after section 261.1:

“261.1.1. Before hiring persons who would be required to work with minor students or be regularly in contact with them, the school service centre shall ensure that they have not exhibited behaviour that could reasonably pose a threat to the physical or psychological safety of students in the exercise of their functions in a school service centre or an educational institution governed by the Act respecting private education (chapter E-9.1).

For that purpose, those persons shall send to the school service centre a declaration concerning the positions they hold or have held in a school service centre or an educational institution governed by the Act respecting private education.

The declaration must be accompanied by the written consent of the person concerned to the verification of the information or documents necessary for establishing the existence or absence of any behaviour referred to in the first paragraph and, as the case may be, to the communication of the absence of such information or documents or, after having examined them and if the person still wishes to apply, to the forwarding of the information or documents to the school service centre that requests them in order for it to assess their content.

“261.1.2. Every school service centre is required to provide the information and documents it holds and that are necessary for establishing the existence or absence of behaviour that could reasonably pose a threat to the physical or psychological safety of students in accordance with this subdivision or subdivision 1 of Division V of Chapter III of the Act respecting private education (chapter E-9.1).

The school service centre keeps the information and documents necessary for the purposes of this subdivision, taking into account the guide prepared by the Minister in accordance with section 258.4.

“261.1.3. Where a school service centre concludes that behaviour that could reasonably pose a threat to the physical or psychological safety of students has been exhibited by a person who works with minor students or is regularly in contact with them in the exercise of his functions, that person must send to

the school service centre a declaration concerning the functions he exercises in another school service centre or an educational institution governed by the Act respecting private education (chapter E-9.1).

The school service centre informs any other school service centre and any educational institution governed by the Act respecting private education in which the person holds a position of that situation.

“262. Any employee of a school service centre who, in the exercise of his functions, has reasonable grounds to believe that a teacher has committed a serious fault in the exercise of his functions or an act derogatory to the honour or dignity of the teaching profession involving behaviour that could reasonably pose a threat for the physical or psychological safety of students must report the situation without delay to the Minister.

“263. No provision of an agreement or decree within the meaning of the Act respecting labour standards (chapter N-1.1) or of a regulation made under section 451 may have the effect of preventing a school service centre, where the latter imposes a disciplinary measure on an employee who works with minor students or is regularly in contact with them because of a behaviour that could reasonably pose a threat for the physical or psychological safety of students, from taking into account a disciplinary measure that has previously been imposed on the employee because of such a behaviour.”

6. Section 297 of the Act is amended by adding the following paragraph at the end:

“The contract must be accompanied by the code of ethics provided for in section 258.0.1 and provide that the driver must undertake to comply with that code.”

7. Section 478 of the Act is amended by adding the following sentence at the end of the first paragraph: “The Minister may, in the same manner, designate a person to verify whether the information in his possession could demonstrate that a teacher has committed a serious fault in the exercise of his functions or an act derogatory to the honour and dignity of the teaching profession.”

ACT RESPECTING PRIVATE EDUCATION

8. The Act respecting private education (chapter E-9.1) is amended by inserting the following section before section 54.1:

“54.0.1. The institution shall adopt a code of ethics applicable to members of its personnel and to any person required to work with minor students or be regularly in contact with them. The code must set out, in particular, the practices and conduct expected of persons required to work with minor students or be regularly in contact with them. In addition, the code must set out the obligation to report to the institution any failure to comply with its provisions that could reasonably pose a threat for the physical or psychological safety of the students.

The institution must ensure access to the code to any person who requests it.”

9. Section 54.4 of the Act is amended

(1) by replacing “judicial record verification guide for institutions” by “guide for institutions on the verification of judicial records and of behaviours that could reasonably pose a threat for the physical or psychological safety of students”;

(2) by adding the following sentence at the end: “In particular, the guide must pertain to the period covered by the verification of behaviours.”

10. The Act is amended by inserting the following sections after section 54.11:

“54.11.1. Before hiring persons who would be required to work with minor students or be regularly in contact with them, the institution shall ensure that they have not exhibited behaviour that could reasonably pose a threat to the physical or psychological safety of students in the exercise of their functions in an educational institution governed by this Act or in a school service centre.

For that purpose, those persons shall send to the institution a declaration concerning the positions they hold or have held in an educational institution governed by this Act or in a school service centre.

The declaration must be accompanied by the written consent of the person concerned to the verification of the information or documents necessary for establishing the existence or absence of any behaviour referred to in the first paragraph and, as the case may be, to the communication of the absence of such information or documents or, after having examined them and if the person still wishes to apply, to the forwarding of the information or documents to the institution that requests them in order for it to assess their content.

“54.11.2. Every institution is required to provide the information and documents it holds and that are necessary for establishing the existence or absence of behaviour that could reasonably pose a threat to the physical or psychological safety of students in accordance with this subdivision or subdivision 6 of Division VI of the Education Act (chapter I-13.3).

The institution keeps the information and documents necessary for the purposes of this subdivision, taking into account the guide prepared by the Minister in accordance with section 54.4.

“54.11.3. Where an institution concludes that behaviour that could reasonably pose a threat to the physical or psychological safety of students has been exhibited by a person who works with minor students or is regularly in contact with them in the exercise of his functions, that person must send to the institution a declaration concerning the functions he exercises in another educational institution governed by this Act or in a school service centre.

The institution informs any other educational institution governed by this Act and any school service centre in which the person holds a position of that situation.

“54.11.4. Any employee of an institution who, in the exercise of his functions, has reasonable grounds to believe that a teacher has committed a serious fault in the exercise of his functions or an act derogatory to the honour or dignity of the teaching profession involving behaviour that could reasonably pose a threat for the physical or psychological safety of students must report the situation without delay to the Minister.

“54.11.5. No provision of an agreement or decree within the meaning of the Act respecting labour standards (chapter N-1.1) may have the effect of preventing an institution, where the latter imposes a disciplinary measure on an employee who works with minor students or is regularly in contact with them because of a behaviour that could reasonably pose a threat for the physical or psychological safety of students, from taking into account a disciplinary measure that has previously been imposed on the employee because of such a behaviour.”

11. Section 65.2 of the Act is amended by adding the following paragraph at the end:

“The agreement must be accompanied by the code of ethics provided for in section 54.0.1 and provide that any person required to work with minor students or be regularly in contact with them must undertake to comply with that code.”

FINAL PROVISION

12. The provisions of this Act come into force on the date or dates to be set by the Government.

