

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
EDUCATIONAL CHILDCARE SERVICES**

**SECTION 2 (section 6 of the Educational Childcare Act)**

Replace "that offer support and assistance to families in the pursuit of their mission and that, incidentally to that mission" in proposed subparagraph 3 by "that, incidentally to their mission".

*adopté  
apc*

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**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 9 (section 28.2 of the Educational Childcare Act)**

Insert "directly or indirectly" after "holder" in proposed section 28.2.

*adopted  
apc*

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**SECTION 8**      **(section 28 of the Educational Childcare Act)**

Replace "a candidate for" in proposed paragraph 10 by "selected for".

*adopté  
apc*

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**SECTION 23**      **(section 108.0.1 of the Educational Childcare Act)**

Replace “on the Internet” in the second paragraph of proposed section 108.0.1 by  
“on the website of the Gouvernement du Québec”.

*adopté  
apc*

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**SECTION 41**      **(section 116 of the Educational Childcare Act)**

Insert "hormone," after "oil," in the paragraph proposed by paragraph 3.

*adopté  
apc*

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**SECTION 17** (section 101.2.1 of the Educational Childcare Act)

In the first paragraph of proposed section 101.2.1:

1. Replace "that the children are" in the introductory clause by "that every child received as such is".
2. Replace "ordinarily resides" in subparagraph 2 by "resides".

*adopté  
ape*

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**SECTION 25 (section 121.2 of the Educational Childcare Act)**

Replace "that does not offer childcare provided at school" in proposed section 121.2 by "who are not offered childcare at school".

*adopté apr*

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**SECTION 10** (section 29 of the Educational Childcare Act)

In proposed section 29:

1. In the first paragraph:

- (a) insert "in writing" after "notify";
- (b) replace "in support of them. The Minister's decision, with reasons, is communicated" by "to complete the record. The Minister's decision, with reasons, is notified";
- (c) insert "au demandeur ou au titulaire de permis" at the end in the French text.

2. Replace the second sentence of the second paragraph by the following sentence: "In such situations, the permit holder may, within 15 days from the suspension, submit observations and produce documents to complete the record in order to allow the Minister to review the decision".

*Adopté  
apc*



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**SECTION 12**      **(section 81.0.3 of the Educational Childcare Act)**

Insert the following paragraph after the first paragraph of proposed section 81.0.3:

An inspector or an investigator who orders an evacuation in accordance with the first paragraph must notify the order in writing to the permit holder who may, within 15 days from the notification, submit observations and produce documents to complete the record in order to allow the Minister to review the order.

*adopté  
apx*

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**SECTION 12**      **(section 81.0.3 of the Educational Childcare Act)**

Strike out "may have been," in the first paragraph of proposed section 81.0.3.

*adopté  
apc*

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**SECTION 13 (section 81.2.1 of the Educational Childcare Act)**

Add the following paragraph at the end of proposed section 81.2.1:

(10) a director of a home educational childcare coordinating office, where that coordinating office does not hold a childcare centre permit.

*adopté  
apc*

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**SECTION 13 (section 81.2.2 of the Educational Childcare Act)**

In the third paragraph of proposed section 81.2.2:

1. Replace "in paragraph 1 or 6" in subparagraph 1 by "in paragraph 1".
2. Strike out subparagraph 3.
3. Replace "in paragraph 9" in subparagraph 4 by "in paragraphs 6 to 10".

*adopté  
apc*

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**SECTION 13** (section 81.2.3 of the Educational Childcare Act)

Replace paragraph 4 of proposed section 81.2.3 by:

(4) the fact that the person exhibits or has exhibited behaviour that could reasonably cause one to fear that the person does not have the required integrity to manage subsidies paid out of public funds.

Subparagraph 4 of the first paragraph applies only to a permit applicant or a permit holder whose childcare services are subsidized, to a director or shareholder of such an applicant or holder, to a director of a coordinating office that does not hold a childcare centre permit or to a person who is selected for or who holds the office of chief officer of such a coordinating office, a childcare centre or a day care centre whose childcare services are subsidized.

*adopté  
apc*

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**SECTION 13**      **(section 81.2.6 of the Educational Childcare Act)**

In proposed section 81.2.6:

1.      Replace “, 8 or 9” by “or 8 to 10”.
2.      Insert “and attach to the attestation, if the person considers it necessary, any observations or any document” at the end.

*adapté  
apc*

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**SECTION 13**      **(section 81.2.7 of the Educational Childcare Act)**

Insert "and attach to the attestation, if the person considers it necessary, any observations or any document" at the end of proposed section 81.2.7.

*adopté  
apc*

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**SECTION 13 (section 81.2.8 of the Educational Childcare Act)**

In the first paragraph of proposed section 81.2.8:

1. Replace "or 2" in subparagraph 1 by ", 2 or 10".
2. Replace "a candidate for" in subparagraph 2 by "selected for".
3. Insert ", after having obtained the opinion of the Comité d'examen des empêchements if the attestation concerns a person who is selected for the office of chief officer of the coordinating office or who holds that office" at the end of subparagraph 3.

*adopté  
apc*



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**SECTION 13**      **(section 81.2.9 of the Educational Childcare Act)**

In proposed section 81.2.9;

1.      Replace "provides, assess its" in the first paragraph by "provides and taking into account any observations and any document attached to the attestation, assess the attestation's".
2.      In the fourth paragraph:
  - (a)    replace "a candidate for" by "selected for";
  - (b)    replace "of a childcare centre or day care centre or holds" by "of a coordinating office that does not hold a childcare centre permit or of a childcare centre or a day care centre, or who holds" after "officer".

*adopté apc*

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**SECTION 13 (section 81.2.10 of the Educational Childcare Act)**

In proposed section 81.2.10:

1. Replace the first paragraph by:

The permit holder must,

(1) if the permit holder is a natural person, at all times hold a valid attestation establishing that no impediment exists; and

(2) ensure that the persons referred to in paragraphs 2 to 5 of section 81.2.1 at all times hold a valid attestation establishing that no impediment exists.

2. Replace "and 9" in the second paragraph by ", 9 and 10".

*adapté  
apc*

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**SECTION 13 (section 81.2.12 of the Educational Childcare Act)**

In proposed section 81.2.12:

1. Replace "after having made an application under subparagraph 1" in paragraph 1 by "following an application made, as applicable, under subparagraph 1 or 4".
2. Replace "and having made the application for an investigation concerning the attestation holder under subparagraph 3 of the third paragraph" in paragraph 3 by "following an application for an investigation concerning the attestation holder made under subparagraph 4 of the third paragraph".

*Adopté  
apc*

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**SECTION 13 (section 81.2.13 of the Educational Childcare Act)**

Replace "or the permit holder" by ", the permit holder or the coordinating office that does not hold a childcare centre permit" in proposed section 81.2.13.

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apc*

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**SECTION 13**      **(section 81.2.14 of the Educational Childcare Act)**

Replace "The applicant or holder must also immediately inform the Minister of any notice given to them under the first paragraph by a director or a shareholder of the applicant or holder" in the second paragraph of proposed section 81.2.14 by "The permit applicant, permit holder or coordinating office that does not hold a childcare centre permit must also immediately inform the Minister of any notice given to them under the first paragraph by one of their directors or shareholders".

*adapté  
apc*

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**SECTION 13**      **(section 81.2.15 of the Educational Childcare Act)**

Replace "with sections 81.2.2" in the first paragraph of proposed section 81.2.15  
by "with sections 81.2.1".

*Adopté  
apc*

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**SECTION 13 (section 81.2.19 of the Educational Childcare Act)**

In proposed section 81.2.19:

1. Replace “, by that person, of the content of a statement” in the first paragraph by “of the content of a sworn statement”.
2. Replace “the second” in subparagraph 2 of the second paragraph by “the first sentence of the second”.

*adapté  
apc*

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**SECTION 13**      **(section 81.2.22 of the Educational Childcare Act)**

Replace "81.2.2" in the second paragraph of proposed section 81.2.22 by "81.2.1".

*adapté  
apc*



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**SECTION 13**      **(section 81.2.23 of the Educational Childcare Act)**

Replace "81.2.2" in the first paragraph of proposed section 81.2.23 by "81.2.1".

*adopté  
apc*

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**SECTION 13**      **(section 81.2.25 of the Educational Childcare Act)**

In proposed section 81.2.25:

1.      Insert "sworn" after "make a" in the introductory clause of the first paragraph.
2.      Replace "in the second" by "in the first sentence of the second" in subparagraph 2 of the first paragraph.
3.      Replace the second and third paragraphs by:

The person must then send their statement and the consent required for its communication to the person referred to in section 81.2.2 who applied for the investigation establishing that no impediment exists in respect of the person making the statement, before the former makes such an application to a police force.

The process for the investigation establishing that no impediment exists is continued in accordance with subdivisions 1 to 4, except in the case where the statement referred to in the first paragraph contains information that could establish the existence of an impediment. In that case, the person who applied for the investigation establishing that no impediment exists must notify the police force. The police force carries out verifications in accordance with sections 81.2.4 and 81.2.5, but may not issue an attestation establishing that no impediment exists under the first paragraph of section 81.2.5. If the verifications carried out in the databases available to the police force do not reveal any information that could establish the existence of an impediment, the police force issues a research note to that effect.

The statement referred to in the first paragraph, if it contains information that could establish the existence of an impediment, must be sent to the third person responsible for assessing the content of an attestation of a potential impediment in accordance with section 81.2.8 and be taken into account by the third person as if it were such an attestation, and is added to the attestation, if applicable, for the purpose of establishing whether an impediment exists. The third

person may ask the Comité d'examen des empêchements to examine the information contained in the statement and to give them its opinion as to whether an impediment exists."

*adopté  
apc*

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**SECTION 13**      **(section 81.2.26 of the Educational Childcare Act)**

Replace "Comité d'examen des empêchements ("the committee") is hereby established" in the first paragraph of proposed section 81.2.26 by "Minister establishes the Comité d'examen des empêchements ("the committee)".

*adapté  
apc.*

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**SECTION 13**      **(section 81.2.27 of the Educational Childcare Act)**

Replace "three" in the first paragraph of proposed section 81.2.27 by "five".

*adapté  
apc*

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**SECTION 13**      **(section 81.2.27 of the Educational Childcare Act)**

Insert the following paragraph after the first paragraph of proposed section 81.2.27:

The committee must be composed of at least one member from an Aboriginal community when an attestation of a potential impediment concerns an Aboriginal person.

*adopté  
ape*

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**SECTION 13**      **(section 81.2.34 of the Educational Childcare Act)**

In proposed section 81.2.34:

1.      Add "on the Gouvernement du Québec's website" at the end of the first paragraph.
2.      Add the following paragraph after the first paragraph:

        The guide is prepared after consultation with the bodies representative of educational childcare providers.

*adopté  
apc*

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**SECTION 13 (section 81.2.27 of the Educational Childcare Act)**

In the first paragraph of proposed section 81.2.27:

1. Insert “, at least two of which are lawyers” after “Minister”.
2. Replace “the Minister designates a lawyer who chairs the committee” by “the Minister designates a chair who”.

*adopté  
apc*



**AMENDMENT**

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**SECTION 13**      **(section 81.2.35 of the Educational Childcare Act)**

In proposed section 81.2.35:

1.      Replace "justified," in subparagraph 3 of the first paragraph by "admissible".
2.      Replace "give the person an opportunity to submit observations" in the second paragraph by "the reasons for it, and give the person an opportunity to submit observations and produce any document".

*adopté  
apo*

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**SECTION 13**      **(section 81.2.36 of the Educational Childcare Act)**

The amendment to proposed section 81.2.36 is amended by striking out "of full age".

*adopté  
apc*

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**SECTION 13**      **(section 81.2.36 of the Educational Childcare Act)**

Replace proposed section 81.2.36 by:

**"81.2.36.**      Before taking up their employment, any person of full age called upon to work in the facility of a permit holder while childcare is being provided must declare to the permit holder any suspension covered by section 81.2.35, and concerning the person that

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- (1)      is ongoing;
- (2)      was ongoing at the time the person left a previous employment with a permit holder, within a period of 36 months after leaving that employment; or
- (3)      was the subject of a final decision, under that section, that has led to sanctions being imposed in the last 36 months."

*adopté amendé  
apc*

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**SECTION 13** (section 81.2.12 of the Educational Childcare Act)

Add the following paragraph at the end of proposed section 81.2.12:

Despite subparagraph 2 of the first paragraph, if the holder of an attestation establishing that no impediment exists is selected for the office of chief officer of a childcare centre, a day care centre whose childcare services are subsidized or a coordinating office that does not hold a childcare centre permit, but the attestation holder's attestation was issued for the exercise of a role, a function or work other than that of chief officer, that attestation remains valid only if the attestation holder provides a sworn statement indicating that, since the attestation was issued, the attestation holder has not been charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4 and if the conditions set out in either of the following paragraphs are met:

(1) the attestation the attestation holder already holds was issued by a police force; or

(2) the attestation the attestation holder already holds was issued under section 81.2.9 and the attestation of a potential impediment whose content assessment led to the issue of that attestation has been sent to the third person designated, according to section 81.2.8, as being responsible for assessing the content of an attestation of a potential impediment concerning a person who is selected for the office of chief officer, and that third person has determined that no impediment exists.

*adopté  
apc*

**AMENDMENT**

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**SECTION 13 (section 81.2.13 of the Educational Childcare Act)**

In proposed section 81.2.13:

1. Strike out the first occurrence of "or shareholder".
2. Replace "60" by "10".
3. Replace "ensure that the new director or shareholder holds an attestation establishing that no impediment exists" by "apply for an investigation establishing that no impediment exists in respect of the director in accordance with section 81.2.2. The new director is then deemed to be the holder of an attestation establishing that no impediment exists until such an attestation or a notice of impediment, as applicable, is issued in respect of the new director".

*adopté  
apc*

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**SECTION 19**      **(section 101.35 of the Educational Childcare Act)**

In proposed section 101.35:

1.      Insert "or a home educational childcare coordinating office" after "complaint with the Minister" in the first paragraph.
2.      Replace "with the Minister and" in the second paragraph by "with the Minister or a home educational childcare coordinating office and from".

*adopté  
apc*

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EDUCATIONAL CHILDCARE SERVICES**

**SECTION 13 (section 81.2.17 of the Educational Childcare Act)**

Replace proposed section 81.2.17 by:

**"81.2.17.** When a minor works or is regularly present as a trainee or volunteer while childcare is being provided in a permit holder's facility or in a residence where childcare is provided, the permit holder or the home educational childcare provider must ensure that either of the following requirements is met:

(1) the minor, when in the presence of children receiving childcare, is accompanied at all times by a person of full age who holds an attestation establishing that no impediment exists; or

(2) the minor is the holder of a document, that the minor carries with them when present in the facility or in the residence, attesting that verifications carried out in the databases available to a police force do not reveal any information related to the elements listed in the second paragraph of section 81.2.4 concerning the minor.

The document referred to in subparagraph 2 of the first paragraph must have been issued two years earlier or less by a police force at the request of the educational institution that the minor attends or at the request of the permit applicant or permit holder or the home educational childcare coordinating office. The minor who holds that document, and who is charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4, must immediately notify the permit holder or the home educational childcare provider of that fact.

A person referred to in the first and second paragraphs may, on the same conditions and despite any provision to the contrary, continue to work or be regularly present as a trainee or volunteer in the facility of a permit holder or in the residence where childcare is provided as of the date of their eighteenth birthday if an application for an investigation establishing that no impediment exists concerning the person was made three months or less before that date, until the process referred to in sections 81.2.1 to 81.2.9 has been completed. In such a

case, the investigation must be conducted by the police force after the person's eighteenth birthday.

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**SECTION 13**      **(section 81.2.2 of the Educational Childcare Act)**

Strike out ", which may require payment of the fees determined by regulation to conduct the investigation" in the first paragraph of proposed section 81.2.2.

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**SECTION 13** (section 81.2.34.1 of the Educational Childcare Act)

Insert after proposed section 81.2.34:

**"81.2.34.1.** The activity report of the Comité d'examen des empêchements is to be included in the annual management report of the department.

*Adopté  
apc*

**AMENDMENT**

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**SECTION 35 (section 48 of the Educational Childcare Regulation)**

Replace "of section 81.2.1 of the Act, a copy of the person's valid attestation establishing that no impediment exists and, if applicable, a copy of the latest attestation of a potential impediment concerning that person" in proposed paragraph 2 by "or 10 of section 81.2.1 of the Act, a copy of the person's valid attestation establishing that no impediment exists and, if applicable, a copy of the latest attestation of a potential impediment concerning a person referred to in paragraph 9 of that section".

*adopté  
apc*

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**SECTION 36 (section 51 of the Educational Childcare Regulation)**

Insert “, if so required,” after “hold” in proposed paragraph 10.1.

*adopté  
apc*

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**SECTION 1.1** (section 5.3 of the Educational Childcare Act)

Insert after section 1:

**1.1.** The Act is amended by inserting the following section after section 5.2:

**"5.3.** A staff member of an educational childcare provider may not compromise, by an act or omission, the health, safety or well-being of the children to whom childcare is provided.

Among other things, a staff member may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child or undermine the child's dignity or self-esteem."

*adopté  
apc*

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**SECTION 10.1 (section 40.2 of the Educational Childcare Act)**

Insert after section 10:

**10.1.** Section 40.2 of the Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) at least 2/3 of the members are parents who use the childcare provided by the childcare centre or by a home educational childcare provider that the childcare centre has recognized;”;

(2) by adding the following paragraph at the end:

“Among the members referred to in subparagraph 2 of the first paragraph, at least one must be a parent who uses the childcare provided by the childcare centre and another must be a parent who uses the home educational childcare.”

*adopté  
apc*

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**SECTION 10.2** (section 42.0.1 of the Educational Childcare Act)

Insert after section 10.1:

**10.2.** The Act is amended by inserting the following section after section 42:

**"42.0.1.** If a home educational childcare coordinating office has reasonable grounds to believe that the health, safety or well-being of children receiving childcare from a home educational childcare provider in a residence is or could be seriously compromised, in particular if the coordinating office considers that the state of the residence or part of the residence constitutes an imminent danger for the children, the coordinating office may, in addition to any other measure that may be taken by the coordinating office or by the Minister and after having notified the parents, order the evacuation of the children receiving childcare from all or part of the residence.

A coordinating office that orders such an evacuation notifies it in writing to the home educational childcare provider who may, within 15 days from the notification, submit observations and produce documents to complete their record in order to allow the coordinating office to review the evacuation order.

If the evacuation is ordered for the whole residence, the recognition of the home educational childcare provider is suspended by operation of law."

*adopté  
ape*

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**SECTION 20.1 (section 104.1 of the Educational Childcare Act)**

Insert after section 20:

**20.1.** The Act is amended by inserting the following section after section 104:

**"104.1.** If the suspension of recognition in urgent circumstances or to prevent serious or irreparable damage to persons is contested, the 60-day period provided for in the first paragraph of section 104 runs from the expiry of the time allotted to apply for a review of the suspension. However, if such an application for review has been made, the period runs from the review decision."

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**SECTION 37.1 (section 75 of the Educational Childcare Regulation)**

Insert after section 37:

**37.1. Section 75 of the Regulation is amended**

- (1) by inserting the following paragraphs before paragraph 1:

“(0.1) the provider fails to establish, with respect to themselves, to a person of full age living in the residence where childcare is provided, or to their assistant or their occasional replacement, that no impediment exists under Division I of Chapter VI.1 of the Act;

“(0.2) the provider failed or neglected to inform the person who may apply for an investigation establishing that no impediment exists with respect to the provider in accordance with section 81.2.2 of the Act that, since the last time the provider was issued an attestation establishing that no impediment exists, the provider has been charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4 of the Act;”;

- (2) by inserting “or with an evacuation order made under section 42.0.1 of the Act” at the end of paragraph 2;

- (3) by striking out “6,” in paragraph 3;

- (4) by replacing paragraph 6 by the following paragraphs:

“(6) the provider made a false declaration or distorted a material fact in the application for or renewal of a recognition, in a document required by the Minister or by the coordinating office, when communicating information to the Minister or to the coordinating office, or with a view to being granted a subsidy by the Minister or by the coordinating office;

“(6.1) the provider acts in such a way as to falsely suggest that the childcare services the provider provides are subsidized;”;

(5) by adding the following paragraph at the end:

"The coordinating office may attach conditions to the suspension of the recognition as well as time limits to be complied with to have the suspension lifted."

adopté  
apc

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
EDUCATIONAL CHILDCARE SERVICES**

**SECTION 37.2 (sections 76, 77 and 77.1 of the Educational Childcare  
Regulation)**

Insert after section 37.1, introduced by amendment:

**37.2.** Sections 76 and 77 of the Regulation are replaced by the following sections:

**“76.** Recognition is revoked by operation of law if the home educational childcare provider directly or indirectly provides childcare while their recognition is suspended.

**“77.** Before refusing to issue or to renew a recognition or suspending or revoking a recognition, the coordinating office must notify in writing the reasons supporting its intention to the person applying for recognition or who is recognized as a home educational childcare provider and give the person at least 15 days to submit observations and to produce documents to complete their record. The coordinating office then notifies its decision in writing, with reasons, to the person applying for recognition or who is recognized as a home educational childcare provider.

The coordinating office may, however, if the decision is made in urgent circumstances or to prevent serious or irreparable injury or damage to persons, including in the cases referred to in section 77.1, suspend a recognition without having to comply with the prior obligations set out in the first paragraph. In such situations, the coordinating office notifies the parents of children receiving educational childcare that the recognition has been suspended. The person who is recognized as a home educational childcare provider may, within 15 days of the suspension, submit observations and produce documents to complete their record in order to allow the coordinating office to review its decision.

The coordinating office gives reasons for its decision or its review decision and notifies it in writing to the home educational childcare provider. The decision or review decision must make mention of the right to contest it before the Administrative Tribunal of Québec and indicate the time limit for doing so provided for in section 104 of the Act.

**"77.1.** The coordinating office must immediately suspend the recognition of a home educational childcare provider in the following cases:

(1) if the provider or, as applicable, their assistant or a person living in the residence where childcare is provided is implicated by a report that has been accepted for evaluation by the director of youth protection. The same applies if any of those persons is implicated by a report leading to a disclosure of confidential information by the director of youth protection to the Director of Criminal and Penal Prosecutions or to a police force provided for in section 72.7 of the Youth Protection Act (chapter P-34.1);

(2) if the provider is the subject of an investigation conducted by the Minister with the knowledge of the coordinating office on the basis of acts allegedly committed by the provider that are such that, were they to continue or be repeated, the health, safety or well-being of the children to whom the provider provides educational childcare would be seriously compromised; or

(3) if the provider is the subject of a complaint filed with the coordinating office, which the latter considers admissible, relating to acts allegedly committed by the provider and that are such that, were they to continue or be repeated, the health, safety or well-being of the children to whom the provider provides educational childcare would be seriously compromised.

The suspension lasts until the coordinating office makes a final decision about the alleged situation."

*adopté  
apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
EDUCATIONAL CHILDCARE SERVICES**

**SECTION 21 (section 106 of the Educational Childcare Act)**

1. Insert before paragraph 1:

(0.1) by inserting the following subparagraph after subparagraph 1:

"(1.1) determine the staff members of a permit holder who are required to participate in training activities and the persons qualified to offer the training activities, and identify any activity or course that must be participated in or taken, or prescribe its content, its duration and the manner in which the activity or course is to be offered, and the terms for updating the knowledge of the staff members having participated in or taken it;"

(0.2) by replacing "maintaining the training" in subparagraph 4.1 by "updating the knowledge".

2. Replace "maintaining the training" in paragraph 4 by "updating the knowledge".

*adopté  
apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
EDUCATIONAL CHILDCARE SERVICES**

**SECTION 23.1** (section 113.2.1 of the Educational Childcare Act)

Insert after section 23:

**23.1.** The Act is amended by inserting the following section after section 113.2:

**"113.2.1.** A staff member of an educational childcare provider who contravenes section 5.3 by seriously compromising, by an act or omission, the health, safety or well-being of the children to whom childcare is provided is liable to a fine of \$2,500 to \$12,500."

*adopté  
apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 24**      **(section 115.4 of the Educational Childcare Act)**

In proposed section 115.4:

1.      Insert "notify or" after "neglects to".
2.      Insert "81.2.17," after "of sections".
3.      Replace "when informing the Minister or when providing a statement or declaration" by "in the application of any of those sections".

*adopté  
apc*

**AMENDMENT**

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**SECTION 24**      **(section 115.5 of the Educational Childcare Act)**

Insert "or allows children to access a residence or part of a residence in contravention of an evacuation order made under section 42.0.1" after "81.0.3" in proposed section 115.5.

*adopté  
apc*



**AMENDMENT**

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**SECTION 24**      **(section 115.7 of the Educational Childcare Act)**

Insert after proposed section 115.6:

**"115.7.**      A person that contravenes section 101.35 is liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$30,000 in other cases."

*adopted  
apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
EDUCATIONAL CHILDCARE SERVICES**

**SECTION 21 (section 106 of the Educational Childcare Act)**

Insert "maximum" after "determine the" in proposed subparagraph 7.1 of the first paragraph of section 106.

*adopté  
ape*

**AMENDMENT**

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**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 11.1** (section 66 of the Educational Childcare Act)

Insert after section 11:

**11.1.** Section 66 of the Act is amended by replacing both "120" and "90" in the second paragraph by "180".

*adopté  
apc*

**AMENDMENT**

**Bill 46**

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**SECTION 13 (section 81.2.12 of the Educational Childcare Act)**

Replace subparagraph 2 of the first paragraph of proposed section 81.2.12, as amended, by:

(2) carry out a role, a function or work for the same permit applicant, the same educational childcare provider or the same coordinating office, following an application for an investigation concerning the attestation holder made under subparagraphs 2 to 4 of the third paragraph of section 81.2.2;

*adopte  
apc*

**AMENDMENT**

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**SECTION 35 (section 48 of the Educational Childcare Regulation)**

Replace paragraph 3 of section 35, as amended, by:

(3) by replacing subparagraph *b* of paragraph 5 by the following subparagraph:

“(b) for any person referred to in paragraphs 6 or 8 of section 81.2.1 of the Act, a copy of the person’s valid attestation establishing that no impediment exists and, if applicable, a copy of the latest attestation of a potential impediment concerning that person, accompanied by a certified true copy of the board of directors’ resolution certifying that the person concerned by the attestation has no impediment;”.

*adopte apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 37 (section 60 of the Educational Childcare Regulation)**

Replace proposed paragraph 13 by:

"(13) for the applicant and, if applicable, any person of full age living in the private residence where the applicant intends to provide childcare, a copy of their attestation establishing that no impediment exists and, if applicable, of the attestation of a potential impediment concerning them;"

*adopté apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 38** (section 81 of the Educational Childcare Regulation)

Withdraw.

*adopté  
apc*

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 38.1** (section 83 of the Educational Childcare Regulation)

Insert after section 38:

**38.1.** Section 83 of the Regulation is revoked.

*adopté  
apc*



**AMENDMENT**

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**SECTION 50.1**

Insert after section 50:

**50.1.** Despite their date of coming into force, the provisions of Division I of Chapter VI.1 of the Educational Childcare Act, enacted by section 13 of this Act, as well as those of section 48 of the Educational Childcare Regulation, enacted by section 35 of this Act, apply to a director of a home educational childcare coordinating office, where that office does not hold a childcare centre permit, from *(insert the date that is three months after the date of coming into force of section 13)*.

adopté  
ape

**AMENDMENT**

**Bill 46**

**AN ACT TO IMPROVE THE PROTECTION OF CHILDREN RECEIVING  
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**SECTION 53**

Replace by:

**53.** This Act comes into force on *(insert the date that is one month after the date of assent to this Act)*, except

(1) section 1.1, paragraph 5 of section 6, paragraphs 1, 2 and 3 of section 8 insofar as they respectively concern paragraph 4, subparagraphs 7 and 9 of the first paragraph of section 28 of the Educational Childcare Act, sections 9, 10, 10.2, 12, 19, 20, 20.1 and 23.1, section 24 insofar as it enacts section 115.5 and 115.7 of that Act, section 27, paragraphs 2 and 4 of section 37.1 insofar as paragraph 4 concerns paragraph 6 of section 75 of the Educational Childcare Regulation, and section 37.2, which come into force on *(insert the date that is three months after the date of assent to this Act)*;

(2) paragraphs 1, 2 and 4 of section 6, section 7, paragraph 1 of section 8 insofar as it enacts subparagraphs 3 and 3.1 of the first paragraph of section 28 of the Educational Childcare Act, sections 13 and 18, paragraphs 1 to 3 of section 21, section 24 insofar as it enacts sections 115.2 to 115.4 and 115.6 of that Act, sections 31 to 37, paragraphs 1 and 3 of section 37.1 and sections 38.1, 45, 46, 49 and 50.1, which come into force on *(insert the date that is six months after the date of assent to this Act)*.

*adopté  
apc*