



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 53

**An Act to enact the Act respecting
protection against reprisals related to
the disclosure of wrongdoings and to
amend other legislative provisions**

Introduction

**Introduced by
Madam Sonia LeBel
Minister Responsible for Government Administration
and Chair of the Conseil du trésor**

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EXPLANATORY NOTES

This bill enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings. The enacted Act entrusts the Public Protector with the responsibility of processing the complaints relating to reprisals, in particular those related to disclosures made under the Act to facilitate the disclosure of wrongdoings relating to public bodies. It also entrusts the Public Protector with the responsibility of offering mediation. It grants the Public Protector the power to represent a complainant for the exercise of a recourse and the power to make, following an audit or an investigation conducted to determine if the complaint is well-founded, recommendations the Public Protector considers appropriate. In addition, it specifies that taking reprisals constitutes a failure that may give rise to the imposition of a disciplinary sanction, and provides for penal sanctions.

The bill proposes various amendments to the Act to facilitate the disclosure of wrongdoings relating to public bodies, in particular to grant additional powers to the Public Protector and the Commission municipale du Québec for the processing of the disclosures they receive and to confer on the Ethics Commissioner responsibility for processing the disclosures involving the Public Protector. It creates the function of person in charge of ethics and integrity within public bodies and abolishes the function of officer responsible for dealing with disclosures.

The bill amends the Public Protector Act mainly to allow the appointment of a third deputy public protector, who will be responsible for the exercise of the Public Protector's functions provided for in the Act to facilitate the disclosure of wrongdoings relating to public bodies and the Act respecting protection against reprisals related to the disclosure of wrongdoings.

Lastly, the bill grants the Conseil du trésor the power to establish ethics and public integrity policies and the power to make directives establishing the terms governing the designation of the persons in charge of ethics and integrity and specifying those persons' functions.

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Public Administration Act (chapter A-6.01);
- Act respecting the Autorité des marchés publics (chapter A-33.2.1);
- Act respecting the Commission municipale (chapter C-35);
- Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);
- Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);
- Act respecting labour standards (chapter N-1.1);
- Public Protector Act (chapter P-32);
- Educational Childcare Act (chapter S-4.1.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

LEGISLATION ENACTED BY THIS BILL:

- Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the information that a school service centre's or governing board's annual report must contain (chapter I-13.3, r. 10.1).

Bill 53

AN ACT TO ENACT THE ACT RESPECTING PROTECTION AGAINST REPRISALS RELATED TO THE DISCLOSURE OF WRONGDOINGS AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

ENACTMENT OF THE ACT RESPECTING PROTECTION AGAINST REPRISALS RELATED TO THE DISCLOSURE OF WRONGDOINGS

1. The Act respecting protection against reprisals related to the disclosure of wrongdoings, the text of which appears in this Part, is enacted.

“ACT RESPECTING PROTECTION AGAINST REPRISALS RELATED TO THE DISCLOSURE OF WRONGDOINGS

“CHAPTER I

“INTRODUCTORY PROVISIONS

“1. For the purposes of this Act,

(1) “disclosure” means

(a) the communication of information in accordance with section 6 or 7 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

(b) the communication, by a person to the public body within which that person exercises a function, of information which could show that a wrongdoing has been committed or is about to be committed in relation to the public body; or

(c) the communication, by a person to any person, partnership, entity or group within which the person exercises a function, of information which could show that a wrongdoing has been committed or is about to be committed in relation to a public body and which concerns that person, partnership, entity or group;

(2) “public body” has the meaning assigned by section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies; and

(3) “wrongdoing” has the meaning assigned by section 4 of that Act.

“2. This Act is binding on the State.

“CHAPTER II

“PROTECTION AGAINST REPRISALS

“DIVISION I

“PROHIBITIONS

“3. It is prohibited to take a reprisal against a person on any of the following grounds:

(1) the person has made a disclosure;

(2) the person has cooperated in an audit or an investigation conducted for the purposes of this Act or the Act to facilitate the disclosure of wrongdoings relating to public bodies;

(3) the person has cooperated in an inspection or an investigation conducted on the basis of a disclosure for the purposes of the Educational Childcare Act (chapter S-4.1.1); or

(4) the person has exercised a right conferred on them by this Act.

It is also prohibited to threaten to take a reprisal against a person so that the person will abstain from making a disclosure, cooperating in an audit, an inspection or an investigation referred to in the first paragraph, or exercising a right conferred on them by this Act.

“4. Reprisals within the meaning of section 3 include

(1) transferring, suspending, demoting or dismissing a person or ending a person’s training, imposing on them any other disciplinary measure or measure that adversely affects their employment, conditions of employment or training, including discriminatory measures, or imposing on them any other sanction; and

(2) if the person referred to in that section is the parent of a child to whom childcare services are provided by a public body referred to in paragraph 9 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, depriving that person or that person’s child of any right, subjecting them to differential treatment or suspending or expelling that person’s child.

For the purposes of this Act,

(1) “training” has the meaning assigned by section 1 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3); and

(2) the person who has de facto custody of a child is considered to be a parent of the child, except if the person having parental authority objects.

“DIVISION II

“COMPLAINTS

“5. A person who believes they have been the victim of a reprisal or threats of reprisal prohibited under section 3 may file a complaint with the Public Protector within 90 days of the reprisal or threats.

The complaint may be filed, on behalf of and on the written consent of the complainant, by any person, body or association.

A complaint filed after the expiry of the time prescribed in the first paragraph is not inadmissible on that ground if the delay is caused by the fact that the complaint was first filed within that time with the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Commission municipale du Québec, the Minister of Families or the Administrative Labour Tribunal.

“6. The Public Protector may refuse to process a complaint that is frivolous, vexatious or made in bad faith.

“7. If the Public Protector refuses to process a complaint, the Public Protector notifies the complainant of that decision and the grounds on which it is based.

If the complaint is related to employment or training, the decision must state that it is possible for the complainant to file the complaint with the Administrative Labour Tribunal within 90 days following receipt of the decision.

“DIVISION III

“MEDIATION

“8. The Public Protector may, with the agreement of the parties, appoint a mediator to attempt to settle the complaint to their satisfaction.

“9. Unless the parties agree otherwise, the mediation process may not continue for more than 30 days after the date on which the mediator is appointed.

“10. Unless the parties to the mediation consent to it, nothing that is said or written in the course of a mediation session may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Any verbal or written information collected by the mediator must remain confidential. No mediator may be compelled to disclose anything that has been revealed to them or that has come to their knowledge in the exercise of their functions, or to produce any document made or obtained in the exercise of their functions, before a court or before a person or body exercising adjudicative functions, except in penal matters, where the court considers that such proof is necessary for a full and complete defence.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to any such document.

“DIVISION IV

“RECOURSE

“§1.—*Roles of the Public Protector*

“11. If the parties refuse to enter into mediation or if no settlement is reached at the end of the mediation process, the Public Protector may represent the complainant for the exercise of any appropriate recourse before a court, including a recourse before the Administrative Labour Tribunal, in order that the subject-matter of the complaint be decided.

“12. On the consent of the complainant, the Public Protector refers to the Administrative Labour Tribunal, without delay, a complaint related to employment or training if the parties refuse to enter into mediation or if no settlement is reached at the end of the mediation process.

“§2.—*Recourse before the Administrative Labour Tribunal*

“13. This subdivision applies to the following persons:

(1) an employee within the meaning of subparagraph 10 of the first paragraph of section 1 of the Act respecting labour standards (chapter N-1.1) in accordance with section 2 of that Act; and

(2) a trainee within the meaning of section 1 of the Act to ensure the protection of trainees in the workplace in accordance with section 2 of that Act.

“14. A person who believes they have been the victim of a reprisal or threats of reprisal prohibited under section 3 on the part of their employer or of an agent of their employer or, in the case of a trainee, on the part of an educational institution or professional order or of an agent of the institution or order may file a complaint with the Administrative Labour Tribunal within 90 days after the latest of the following events:

(1) the last incidence of the reprisal or threats of reprisal; or

(2) the receipt of a Public Protector's decision to refuse to process the complaint.

The complaint may be filed, on behalf of and on the written consent of the complainant, by any person, body or association.

A complaint filed after the expiry of the time prescribed in the first paragraph is not inadmissible on that ground if the delay is caused by the fact that the complaint was first filed within that time with the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Commission municipale du Québec or the Minister of Families.

“15. If a person makes a disclosure, cooperates in an audit, an inspection or an investigation referred to in the first paragraph of section 3 or exercises a right conferred on them by this Act and alleges that they are the victim of reprisals referred to in subparagraph 1 of the first paragraph of section 4, there is a simple presumption in their favour that the sanction was imposed on them or the measure was taken against them because of that disclosure, cooperation or exercise of a right. The burden of proving that there was good and sufficient reason to resort to the sanction or measure lies on the author of the sanction or measure.

“16. The provisions of the Labour Code (chapter C-27) and the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that are applicable to a recourse relating to the exercise by an employee of a right arising from that Code apply, with the necessary modifications, to a recourse before the Administrative Labour Tribunal provided for in this Act.

In addition to the orders it may make under those provisions, the Administrative Labour Tribunal may make any other order it considers fair and reasonable, taking into account all the circumstances of the matter, such as

(1) order the employer to pay the employee an indemnity for loss of employment; or

(2) order financing for the psychological support needed by the employee or trainee for a reasonable period of time it determines.

The Administrative Labour Tribunal may not, however, order the reinstatement of a domestic or a person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person in the employer's dwelling.

“DIVISION V

“RECOMMENDATIONS

“**17.** With the agreement of the complainant, the Public Protector may conduct an audit or an investigation to determine if the complaint is well-founded and make the recommendations the Public Protector considers appropriate,

(1) in the case where the public body concerned is referred to in paragraph 9 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, to the Minister of Families and, if warranted by the circumstances, to the board of directors of that public body or to the natural person who is the holder of a day care centre permit;

(2) in the case where the public body concerned is referred to in paragraph 9.1 of that section, to the highest ranking administrative official within that public body or, if warranted by the circumstances, to the Minister of Municipal Affairs, Regions and Land Occupancy, and, if warranted by the circumstances, to the board or council of the public body or to any local municipality having ties with the public body if the public body is not a local municipality; or

(3) in any other case, to the highest ranking administrative official within the public body concerned or, if warranted by the circumstances, to the minister responsible for that public body.

However, the Public Protector may not conduct an audit or an investigation or make recommendations if the complainant exercises a recourse before a court in order that the subject-matter of the complaint be decided. If the complainant exercises such a recourse after an audit or an investigation has started, the Public Protector must end the audit or the investigation.

For the purposes of this Act, the highest ranking administrative official is the official responsible for the day-to-day management of the public body, such as the deputy minister, the chair or the director general. However, the highest ranking administrative official is

(1) in the case of a public body referred to in paragraph 5 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, the board of directors or, in the case of a school board, the council of commissioners;

(2) in the case of an institution referred to in Schedule II to the Act to make the health and social services system more effective (2023, chapter 34), the president and chief executive officer of Santé Québec.

“CHAPTER III

“SANCTIONS

“DIVISION I

“DISCIPLINARY SANCTIONS

“**18.** The fact that an employee takes a reprisal or makes threats of reprisal prohibited under section 3 or seeks to identify a person on the ground that the person made a disclosure or cooperated in an audit, an inspection or an investigation referred to in the first paragraph of that section constitutes a failure that may give rise to the imposition, by the employer, of a disciplinary sanction, up to and including dismissal.

“DIVISION II

“PENAL SANCTIONS

“**19.** Anyone who contravenes the provisions of section 3 is liable to a fine of \$5,000 to \$30,000 in the case of a natural person and \$15,000 to \$250,000 in all other cases.

“**20.** Anyone who hinders or attempts to hinder the Public Protector, refuses to provide information or a document they are required to submit or refuses to make such information or such a document available, or conceals or destroys any document relevant to an audit or an investigation is liable to a fine of \$5,000 to \$30,000 in the case of a natural person and \$15,000 to \$100,000 in all other cases.

“**21.** 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 this Act or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is considered to have committed the same offence.

“**22.** For a subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

“**23.** Penal proceedings for an offence under a provision of this Act are prescribed three years from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the commission of the offence.

“CHAPTER IV

“VARIOUS AND FINAL PROVISIONS

“**24.** The Public Protector must inform the public about the protection against reprisals provided for in this Act.

“**25.** Sections 11.1, 14, 14.1 and 27 to 29.1 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) apply to the Public Protector, with the necessary modifications, with respect to the functions the Public Protector exercises in private under this Act.

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

“**27.** Once a year, the Deputy Public Protector for Public Integrity, appointed under section 4 of the Public Protector Act (chapter P-32), prepares a report stating

- (1) the number of complaints received;
- (2) the number of mediation processes held;
- (3) the number of cases where a settlement was reached at the end of a mediation process;
- (4) the number of cases where the Public Protector represents a complainant for the exercise of a recourse;
- (5) the number of settlements and the number of discontinuances in connection with those recourses;
- (6) the number of cases where the Public Protector made recommendations in accordance with section 17 of this Act; and
- (7) the recommendations the Deputy Public Protector for Public Integrity considers appropriate.

The Public Protector includes the report in the activity report referred to in section 28 of the Public Protector Act.

“**28.** The Minister who is Chair of the Conseil du trésor is responsible for the administration of this Act.”

PART II

AMENDING PROVISIONS

TAX ADMINISTRATION ACT

2. Section 69.0.0.16 of the Tax Administration Act (chapter A-6.002) is amended

(1) by replacing “, to a police” by “or to a police”;

(2) by striking out “, 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 relating to public bodies (chapter D-11.1)”.

3. Section 69.3 of the Act is amended by striking out the second paragraph.

4. Section 69.4.2 of the Act is amended by striking out “the first paragraph of”.

5. Section 69.6 of the Act is amended by striking out the second and third paragraphs.

PUBLIC ADMINISTRATION ACT

6. The Public Administration Act (chapter A-6.01) is amended by inserting the following section after section 72:

“72.1. The Conseil du trésor may establish ethics and public integrity policies applicable to the departments and bodies of the Administration, taking into account the standards of ethics, professional conduct and discipline provided for by law.”

7. Section 77 of the Act is amended by inserting the following paragraphs after paragraph 6:

“(7) support the departments and bodies of the Administration in the implementation of the ethics and public integrity policies established by the Conseil du trésor and coordinate their actions in such matters to ensure consistency;

“(8) advise the Government and the departments and bodies of the Administration in matters of ethics and public integrity;”.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

8. Section 58 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended

(1) by replacing “, who cooperates in an audit or an investigation conducted on the grounds of such a communication or who believes himself or herself to be a victim of a reprisal forbidden under section 63” by “or who cooperates in an audit or an investigation conducted on the grounds of such a communication”;

(2) by replacing “third and fourth” by “second and third”.

9. Section 71 of the Act is amended by inserting “, the Ethics Commissioner” after “the Public Protector” in subparagraph 2 of the first paragraph.

ACT RESPECTING THE COMMISSION MUNICIPALE

10. Section 100.1 of the Act respecting the Commission municipale (chapter C-35) is amended, in the second paragraph,

(1) by striking out “and complaints” in the introductory clause;

(2) by replacing “set out in” in subparagraph 6 by “set out in the first paragraph of”;

(3) by striking out subparagraphs 7 and 8;

(4) by replacing “three” in subparagraph 9 by “four”.

ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING TO PUBLIC BODIES

11. Section 1 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is amended

(1) by striking out “and establish a general protection regime against reprisals”;

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

“In addition, it aims to prevent wrongdoings, and reprisals or threats of reprisals in relation to a disclosure.”

12. Section 3.1 of the Act, enacted by section 1000 of chapter 34 of the statutes of 2023, is amended

(1) by replacing the last sentence of the first paragraph by the following sentence: “Likewise, the person in charge of ethics and integrity for those institutions is the person designated within Santé Québec under section 18.”;

(2) by striking out the second paragraph.

13. Section 4 of the Act is amended by adding the following paragraph at the end:

“A wrongdoing can be committed or about to be committed by, in particular, a member of the personnel, a shareholder or a director of a public body in the exercise of his or her functions, or by any other person, partnership, group or other entity in the course of the tendering or awarding process for, or the performance of, a contract of a public body, including a grant of financial assistance.”

14. Section 5 of the Act is amended by replacing “made for personal purposes rather than in the public interest, such as when the subject-matter” in the first paragraph by “whose purpose is not in the public interest, such as a disclosure whose purpose”.

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

“5.1. The Public Protector must raise public awareness about the possibility of disclosing a wrongdoing in accordance with this Act, in particular by informing the public that it is possible to make a disclosure concerning a wrongdoing before it is committed.”

16. Section 6 of the Act is amended

(1) by striking out the second and third sentences of the first paragraph;

(2) by striking out the third paragraph;

(3) by adding the following paragraphs at the end:

“If a person wishes to make a disclosure involving the Public Protector, the person must contact the Ethics Commissioner, appointed under the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), to make the disclosure.

A disclosure may be made anonymously or not.”

17. Section 7 of the Act is amended by striking out “and may enjoy the protection against reprisals provided for in Chapter VII” in the first paragraph.

18. Section 10 of the Act is amended, in the first paragraph,

(1) by replacing “and diligently processed” in the introductory clause by “and privately and diligently processed”;

(2) by replacing subparagraph 6 by the following subparagraph:

“(6) indicate the rights and recourses provided for in the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*) and the time limits for exercising them.”

19. Section 11 of the Act is amended, in the second paragraph,

(1) by striking out “referred to in section 25 of the Public Protector Act (chapter P-32)”;

(2) by striking out the last sentence.

20. The Act is amended by inserting the following sections after section 11:

“11.1. For the conduct of an investigation under this Act, the Public Protector, the Deputy Public Protectors and the public servants and employees of the Public Protector as well as the persons designated by the Public Protector in writing for that purpose are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

The provisions of articles 282, 283 and 285 of the Code of Civil Procedure (chapter C-25.01) apply, with the necessary modifications.

“11.2. The Public Protector may prohibit a person from communicating any information related to an investigation to anyone except to the person’s lawyer.”

21. Section 12 of the Act is amended by replacing “the disclosure is made for personal purposes and not in the public interest” in subparagraph 2 of the second paragraph by “the purpose of the disclosure is not in the public interest”.

22. The Act is amended by inserting the following sections after section 13:

“13.1. If the Public Protector considers that the disclosure may, because of its nature and seriousness, be processed in a more appropriate manner by the public body concerned, the Public Protector may entrust the processing of the disclosure to the highest ranking administrative official within the body, with that official’s agreement, unless doing so would allow the person who made the disclosure to be identified.

The Public Protector so informs the person who made the disclosure, if that person’s identity is known.

“13.2. The highest ranking administrative official within a public body to whom the Public Protector has entrusted the processing of a disclosure must, on the Public Protector’s request, inform the Public Protector of the status of the processing of the disclosure. That official must also inform the Public Protector when he or she puts an end to the processing of the disclosure.

The Public Protector may, if the Public Protector considers it useful, take over the processing of the disclosure at any time.”

23. Section 14 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“Likewise, if the Public Protector considers that the information disclosed to the Public Protector may be reported under section 19 of the Act respecting the National Student Ombudsman (chapter P-32.01), the Public Protector forwards the information, as soon as possible, to the competent regional student ombudsman.”;

(2) in the second paragraph,

(a) by inserting “involves him or her or” after “disclosed to the Public Protector”;

(b) by inserting “the Ethics Commissioner,” after “soon as possible to”;

(3) by adding the following sentence at the end of the third paragraph: “However, if the disclosure involves the Public Protector, he or she must put an end to its examination or processing.”

24. Section 16 of the Act is amended by striking out the last sentence.

25. The Act is amended by inserting the following section after section 16:

“16.1. The Public Protector may, so as to remedy the consequences of wrongdoings, avoid the recurrence of wrongdoings or prevent them from being committed, call to the attention of a chief executive officer of a public body or to the attention of the Government such legislative, regulatory or administrative reforms as the Public Protector considers to be in the public interest.

“16.2. The Deputy Public Protector for Public Integrity, appointed under section 4 of the Public Protector Act (chapter P-32), outlines in a report the information he or she considers appropriate concerning

(1) any situation where, after informing the minister responsible for the public body concerned, he or she considers that the public body has failed to take satisfactory measures within a reasonable time;

(2) any situation where he or she concludes that a wrongdoing has been committed; and

(3) any situation where he or she concludes that no wrongdoing has been committed, if he or she considers it in the public interest.

The information referred to in the first paragraph refers to, for example,

- (1) the name of the public body concerned;
- (2) an indication of the period during which the wrongdoing was committed;
- (3) the recommendations that were made to the public body concerned;
- (4) a description of the follow-up given to those recommendations; and
- (5) any information that may help to prevent the commission of wrongdoings.

The Public Protector includes the report in the activity report referred to in section 28 of the Public Protector Act or, if the Public Protector considers it appropriate, sends the report to the National Assembly as a special report. The President of the National Assembly tables the special report before the Assembly within three days after receiving it or, if the Assembly is not sitting, within three days after resumption.”

26. Section 17 of the Act is amended

(1) in the first paragraph,

(a) by replacing the introductory clause by “Once a year, the Deputy Public Protector for Public Integrity prepares a report specifying”;

(b) by replacing “in section 4” in subparagraph 5 by “in the first paragraph of section 4”;

(c) by replacing subparagraphs 7 and 8 by the following subparagraphs:

“(7) the number of disclosures whose processing was entrusted to the highest ranking administrative official within a public body under section 13.1;

“(8) the number of disclosures referred to in subparagraph 7 whose processing was taken over by the Public Protector;”;

(d) by replacing “and second” in subparagraph 9 by “, second and third”;

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

“The Public Protector includes the report in his or her activity report.”

27. The Act is amended by inserting the following section after section 17:

“17.0.1. The Public Protector may, if he or she considers it to be in the public interest, comment publicly on a report sent to the National Assembly as a special report or on an audit or an investigation conducted under this Act.

The Public Protector may also comment publicly on an audit or an investigation in progress if he or she considers it to be necessary in the public interest.”

28. Section 17.1 of the Act is amended by adding the following paragraph at the end:

“The Commission municipale du Québec outlines, in a report it publishes by any means it considers appropriate, the information referred to in the first paragraph of section 16.2 that it considers appropriate.”

29. Section 17.2 of the Act is amended by striking out “or to compliance with the Acts under the administration of the minister responsible for municipal affairs” in subparagraph 1 of the first paragraph.

30. The Act is amended by inserting the following chapter after section 17.2:

“CHAPTER III.2

“FOLLOW-UP ON DISCLOSURES BY THE ETHICS COMMISSIONER

“17.3. Disclosures involving the Public Protector are processed by the Ethics Commissioner in keeping with the rules provided for in sections 10 to 12, 13 to 15 and 17, with the necessary modifications.

The Ethics Commissioner outlines, in the activity report referred to in section 79 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), the information referred to in the first paragraph of section 16.2 that he or she considers appropriate.”

31. The heading of Chapter IV of the Act is replaced by the following heading:

“OBLIGATIONS OF CERTAIN PUBLIC BODIES”.

32. Sections 18 to 20 of the Act are replaced by the following sections:

“18. The highest ranking administrative official within a public body must see to the establishment of measures within the body to prevent wrongdoings, and reprisals or threats of reprisals in relation to a disclosure. For that purpose, the official must designate, within the body, a person in charge of ethics and integrity.

That obligation does not apply to the highest ranking administrative official within a body referred to in paragraph 9 or 9.1 of section 2.

“19. The functions of the person in charge of ethics and integrity are

(1) to coordinate and implement the measures to prevent wrongdoings, and reprisals or threats of reprisals;

(2) to inform the members of the public body’s personnel about the possibility of making a disclosure and the protection against reprisals provided for in the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*); and

(3) to act as liaison officer when an audit or an investigation is conducted for the purposes of this Act and the Act respecting protection against reprisals related to the disclosure of wrongdoings.”

33. Section 21 of the Act is amended

(1) in the first paragraph,

(a) by replacing “designated officer” by “person in charge of ethics and integrity”;

(b) by replacing “her, including the identity of the person who made the disclosure, remains confidential” by “her remains confidential, including the identity of any person who contacts the person in charge of ethics and integrity to obtain information on the possibility of making a disclosure or on the protection against reprisals”;

(2) by replacing “designated officer” in the second paragraph by “person in charge of ethics and integrity”.

34. Sections 22 to 25 of the Act are repealed.

35. Section 26 of the Act is amended

(1) by replacing “IV” in the first paragraph by “III.1”;

(2) by striking out the second paragraph.

36. Sections 27 to 29 of the Act are replaced by the following sections:

“27. No judicial proceedings may be brought against the Public Protector, the Deputy Public Protectors, the public servants and employees of the Public Protector or the persons in charge of ethics and integrity for any act performed or omitted in good faith in the exercise of their functions.

“28. 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 the Public Protector, the Deputy Public Protectors, the public servants and employees of the Public Protector or the persons in charge of ethics and integrity in the exercise of their functions.

“29. A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to section 27 or 28.

“29.1. Despite any Act to the contrary, no one may be compelled to make a deposition relating to information obtained in the exercise of his or her functions as Public Protector or Deputy Public Protector, as public servant or employee of the Public Protector or as person in charge of ethics and integrity, 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 (chapter A-2.1), no person has a right of access to such a document.”

37. Chapter VII of the Act is amended by replacing the part preceding section 32.1 by the following sections:

“30. Sections 27 to 29.1, 32 and 33.1 apply, with the necessary modifications, to the Ethics Commissioner and to the Commission municipale du Québec with regard to investigations they conduct and other acts they perform under this Act.

“31. The Conseil du trésor may, by directive,

(1) establish terms governing the designation of the persons in charge of ethics and integrity; and

(2) specify the functions of the persons in charge of ethics and integrity and the terms and conditions governing the exercise of their functions.

Such a directive is binding on the public bodies concerned.

“32. No civil action may be taken by reason or in consequence of the publication of a report of the Public Protector produced under this Act, or the publication, made in good faith, of an extract from or summary of such a report.”

38. Section 33 of the Act is amended

(1) in the first paragraph,

(a) by striking out “is guilty of an offence and” in the portion following subparagraph 2”;

(b) by replacing “section 30” in subparagraph 2 by “a prohibition imposed under section 11.2”;

(2) by striking out the second paragraph.

39. The Act is amended by inserting the following section after section 33:

“33.1. Anyone who, without being duly authorized, reveals information obtained in the exercise of his or her functions as Deputy Public Protector, as public servant or as employee of the Public Protector, is liable to a fine of \$5,000 to \$30,000.”

40. Section 34 of the Act is amended

(1) in the first paragraph,

(a) by replacing “a designated officer” by “the Ethics Commissioner”;

(b) by striking out “is guilty of an offence and”;

(2) by striking out the second paragraph.

41. Section 35 of the Act is amended by replacing “section 33 or 34” by “section 33, 33.1 or 34”.

42. The Act is amended by inserting the following sections after section 35:

“35.1. For a subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

“35.2. Penal proceedings for an offence under this Act are prescribed three years after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have passed since the date of the commission of the offence.”

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

43. Section 36.4 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended

(1) by replacing “, who cooperates in a search for information or an inquiry conducted by the Commission under Division I of this chapter or who believes a reprisal has been taken against him or her” by “or who cooperates in a search for information or an inquiry conducted by the Commission under Division I of this chapter”;

(2) by replacing “third and fourth” by “second and third”.

44. Section 36.5 of the Act is amended by inserting “or, as applicable, to the Ethics Commissioner” after “Public Protector” in subparagraph 2 of the first paragraph.

ACT RESPECTING LABOUR STANDARDS

45. Section 122 of the Act respecting labour standards (chapter N-1.1) is amended by striking out subparagraph 11 of the first paragraph.

PUBLIC PROTECTOR ACT

46. Section 4 of the Public Protector Act (chapter P-32) is amended

- (1) by replacing “two” in the first paragraph by “three”;
- (2) by replacing “The other Deputy Public Protector” in the second paragraph by “One of the Deputy Public Protectors”;
- (3) by inserting the following paragraph after the second paragraph:

“One of the Deputy Public Protectors, bearing the title of Deputy Public Protector for Public Integrity, is mainly responsible for exercising the Public Protector’s functions provided for in the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) and the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*).”

47. Section 11 of the Act is amended

- (1) in the first paragraph,
 - (a) by inserting “, the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*)” after “(chapter D-11.1)” in the first paragraph;
 - (b) by striking out “which shall fix the standards according to which they shall be remunerated”;
- (2) by inserting the following paragraph after the first paragraph:

“Subject to the provisions of a collective agreement, the Public Protector shall determine the standards and scales of remuneration, employment benefits and other conditions of employment of the Public Protector’s public servants and employees in accordance with the conditions defined by the Government.”

48. Section 13 of the Act is amended by inserting “and the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*)” after “(chapter D-11.1)” in the third paragraph.

49. Section 33 of the Act is amended by replacing “guilty of an offence and liable to a fine of \$300 to \$1,000” by “liable to a fine of \$5,000 to \$30,000”.

50. The Act is amended by inserting the following section after section 33.1:

“**33.2.** For a subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.”

51. Section 37 of the Act is amended by replacing “if, immediately before being appointed to the staff of the Public Protector” in the first paragraph by “if his appointment to the staff of the Public Protector precedes (*insert the date of assent to this Act*) and if, immediately before that appointment”.

EDUCATIONAL CHILDCARE ACT

52. The heading of Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1) is amended by striking out “AND PROTECTION AGAINST REPRISALS”.

53. Section 101.24 of the Act is amended by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) indicate the rights and recourses provided for in the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*) and the time limits for exercising them.”

54. Section 101.27 of the Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) that the subject-matter of the disclosure is not in the public interest;”.

55. Section 101.30 of the Act is amended by replacing “set out in” in subparagraph 5 of the first paragraph by “set out in the first paragraph of”.

56. Division III of Chapter VII.2 of the Act, comprising sections 101.31 to 101.34, is repealed.

57. Section 117.1 of the Act is replaced by the following section:

“117.1. A person that discloses information under section 101.21 that the person knows to be false or misleading 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 other cases.”

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

58. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by adding the following paragraph at the end:

“(34) sections 12 and 14 of the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*).”

REGULATION RESPECTING THE INFORMATION THAT A SCHOOL SERVICE CENTRE’S OR GOVERNING BOARD’S ANNUAL REPORT MUST CONTAIN

59. Section 2 of the Regulation respecting the information that a school service centre’s or governing board’s annual report must contain (chapter I-13.3, r. 10.1) is amended by striking out subparagraph g of paragraph 3.

PART III

TRANSITIONAL AND FINAL PROVISIONS

60. Disclosures that are being processed on (*insert the date preceding the date that is six months after the date of assent to this Act*) by a person designated as officer responsible for dealing with disclosures under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) continue to be processed by that person in that capacity and sections 21 to 24, 27, 28, 34 and 35 of that Act as well as sections 69.0.0.16, 69.3 and 69.6 of the Tax Administration Act (chapter A-6.002), as they read on that date, continue to apply for that purpose. The procedure to facilitate the disclosure by employees of wrongdoings established under section 18 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, as it reads on that date, also continue to apply for that purpose.

61. Disclosures concerning a public body referred to in paragraph 9.1 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, whose subject-matter pertains to compliance with the Acts under the administration of the minister responsible for municipal affairs and which are being processed on (*insert the date preceding the date that is six months after the date of assent to this Act*) by the Public Protector, continue to be processed by the Public Protector.

62. Complaints referred to in section 32 of the Act to facilitate the disclosure of wrongdoings relating to public bodies which are being processed on (*insert the date preceding the date that is six months after the date of assent to this Act*) by the Public Protector or the Commission municipale du Québec continue to be processed by the Public Protector or the Commission, as applicable, in accordance with the first three paragraphs of that section, the sections of that Act to which those paragraphs refer and section 31 of that Act, as they read on (*insert the date preceding the date that is six months after the date of assent to this Act*).

At the complainant's discretion, such a complaint may also be processed by the Public Protector in accordance with the Act respecting protection against reprisals related to the disclosure of wrongdoings (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings*). In that case, the Commission municipale du Québec forwards the complaint to the Public Protector; the complaint is deemed to be filed within the time prescribed in section 5 of that Act.

63. Complaints referred to in section 101.33 of the Educational Childcare Act (chapter S-4.1.1) which are being processed on (*insert the date preceding the date that is six months after the date of assent to this Act*) by the Minister of Families continue to be processed by that Minister in accordance with section 101.31 and 101.32, the first paragraph of section 101.33 and section 101.34 of that Act as they read on that date.

At the complainant's discretion, such a complaint may also be processed by the Public Protector in accordance with the Act respecting protection against reprisals related to the disclosure of wrongdoings, in which case the Minister of Families forwards the complaint to the Public Protector; the complaint is deemed filed within the time prescribed in section 5 of that Act.

64. Complaints filed by employees who believe they have been the victims of a practice prohibited under subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1) as it reads on (*insert the date preceding the date that is six months after the date of assent to this Act*) or under subparagraph 5 of the first paragraph of section 20 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3), insofar as it refers to that subparagraph 11, which are being processed on (*insert the date preceding the date that is six months after the date of assent to this Act*) by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, continue to be processed by the Commission in accordance with those Acts.

65. Matters pending before the Administrative Labour Tribunal on (*insert the date preceding the date that is six months after the date of assent to this Act*) relating to a prohibited practice referred to in subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards, as it reads on (*insert the date preceding the date that is six months after the date of assent to this Act*), or in subparagraph 5 of the first paragraph of section 20 of the Act to ensure the protection of trainees in the workplace insofar as it refers to that subparagraph 11, are continued by that Tribunal in accordance with those Acts.

66. Section 16 of the Act respecting protection against reprisals related to the disclosure of wrongdoings applies to matters arising from a complaint referred to in section 64 and to matters referred to in section 65 of this Act.

67. Until, in accordance with section 37 of the Public Administration Act (chapter A-6.01), the Conseil du trésor makes a decision under the second paragraph of section 11 of the Public Protector Act (chapter P-32), enacted by section 47 of this Act, the scales according to which the public servants and employees of the Public Protector are remunerated, established by Order in Council 327-2023 (2023, G.O. 2, 1076, French only), continue to apply.

68. The information referred to in section 25 of the Act to facilitate the disclosure of wrongdoings relating to public bodies as it reads on (*insert the date preceding the date that is six months after the date of assent to this Act*) concerning disclosures and communications that occur after those indicated in the last annual report of a public body referred to in that section must be indicated in the next annual report of that public body.

To that end, subparagraph g of paragraph 3 of section 2 of the Regulation respecting the information that a school service centre's or governing board's annual report must contain (chapter I-13.3, r. 10.1) as it read on (*insert the date preceding the date that is six months after the date of assent to this Act*) continues to apply.

A public body that does not produce an annual report must use another means it considers appropriate to make that information public.

69. The information referred to in the second paragraph of section 100.1 of the Act respecting the Commission municipale (chapter C-35), as it reads on (*insert the date preceding the date that is six months after the date of assent to this Act*), concerning complaints that are filed after those indicated in the last annual report of the Commission municipale du Québec must be indicated in its next annual report.

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

(1) section 1 insofar as it enacts subparagraph 2 of the third paragraph of section 17 of the Act respecting protection against reprisals related to the disclosure of wrongdoings, and section 12, which come into force on the date of coming into force of section 1000 of the Act to make the health and social services system more effective (2023, chapter 34); and

(2) sections 6 and 7, section 37 insofar as it enacts section 31 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, subparagraph *b* of paragraph 1 and paragraph 2 of section 47 and sections 51 and 67, which come into force on (*insert the date of assent to this Act*).