

AMENDMENT

Bill 53

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

SECTION 16 (section 6 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)

Replace "the third paragraph" in paragraph 2 by "the second and third paragraphs".

adopted

AMENDMENT

Bill 53

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

**SECTION 35.2 (section 26.2 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)**

Insert after section 35.1, introduced by amendment:

35.2. The Act is amended by inserting the following section after the heading of Chapter VI:

"26.2. The Public Protector exercises in private the functions of office assigned by this Act."

*Adopted
1/11*

AMENDMENT

Bill 53

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

SECTION 18 (section 10 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)

Replace by:

18. Section 10 of the Act is amended by replacing subparagraph 6 of the first paragraph 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.”

Adopté
RM

AMENDMENT

Bill 53

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

SECTION 33 (section 21 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)

Replace paragraph 2 by:

- (2) by striking out the second paragraph.

Adopted
M

AMENDMENT

Bill 53

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

**SECTION 35 (section 26 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)**

Replace paragraph 1 by:

(1) by replacing "IV of this Act or Chapter VII.2 of the Educational
Childcare Act (chapter S-4.1.1)" in the first paragraph by "III.1 of this Act";

*Adopte
MK*

AMENDMENT

Bill 53

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

**SECTION 35.1 (section 26.1 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)**

Insert after section 35:

35.1. The Act is amended by inserting the following section after section 26:

“26.1. The Ethics Commissioner provides access to legal advice to any person making or wishing to make a disclosure involving the Public Protector or cooperating in an audit or investigation conducted on the basis of such a disclosure in accordance with the provisions of Chapter III.2 of this Act.

The second and third paragraphs of section 26 apply, with the necessary modifications.”

*Adopted
ML*

AMENDMENT

Bill 53

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

**SECTION 36 (section 29.1 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)**

Replace the second paragraph of proposed section 29.1 by:

“Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to or of correction of such information.”

*Adopté
M*

AMENDMENT

Bill 53

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

SECTION 37 (section 30 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)

Replace "27" in proposed section 30 by "26.2".

Adopted
ML

AMENDMENT

Bill 53

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

**SECTION 22 (sections 13.1 and 13.2 of the Act to facilitate the disclosure
of wrongdoings relating to public bodies)**

Replace by:

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

“13.1. The Public Protector may suspend the processing of a disclosure of a wrongdoing if the Public Protector ascertains, during an audit, that the wrongdoing is already known and that the situation is being addressed within the public body concerned; in such a case, the Public Protector so informs the highest ranking administrative official within that public body and the person who made the disclosure, if that person’s identity is known.

The highest ranking administrative official within the public body must inform the Public Protector of any corrective measure taken to remedy the situation.

If the Public Protector considers that the public body has taken satisfactory measures within a reasonable time, the Public Protector puts an end to the processing of the disclosure; if the Public Protector considers that the body has failed to do so, the Public Protector takes over the processing.

Despite the suspension of the processing of the disclosure, the Public Protector sends the notices provided for in the second paragraph of section 10 to the person who made the disclosure, if that person’s identity is known.”

Adopted

AMENDMENT.

Bill 53

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

**SECTION 26 (section 17 of the Act to facilitate the disclosure of
wrongdoings relating to public bodies)**

1. Replace subparagraph c of paragraph 1 by:

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

“(7) the number of disclosures whose processing was suspended under section 13.1;

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

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

2. Replace paragraph 2 by:

(2) by replacing the second paragraph by the following paragraphs:

“The information referred to in subparagraphs 1, 2, 4, 5, 8.1 and 9 must be broken down according to the public body concerned, except for public bodies referred to in paragraph 9 or 9.1 of section 2 or those for which, in particular by reason of their size, doing so would not make it possible to preserve the confidentiality of the identity of a person who has disclosed information or cooperated in an audit or investigation conducted on the basis of a disclosure. The Public Protector must also report on whether the time limits for the processing of disclosures were complied with.

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



AMENDMENT

Bill 53

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

**SECTION 1 (section 1 of the Act respecting protection against reprisals
related to the disclosure of wrongdoings)**

In paragraph 1 of proposed section 1:

1. Insert "the first paragraph of section" after "or" in subparagraph a.
2. Replace "and which" in subparagraph c by "and that the wrongdoing".

Adopté

AMENDMENT

Bill 53

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

**SECTION 1 (section 3 of the Act respecting protection against reprisals
related to the disclosure of wrongdoings)**

In proposed section 3:

1. In the first paragraph,
 - (a) strike out subparagraph 3;
 - (b) add the following subparagraphs at the end:
 - (5) the person has advised another person to make a disclosure or exercise a right conferred on the latter by this Act, has encouraged the latter to do so or has informed the latter of those possibilities;
 - (6) the person has a relationship, in particular a personal or family relationship, with another person who has made a disclosure or exercised a right conferred on the latter by this Act.
2. Strike out “, an inspection” in the second paragraph.

Adopté

AMENDMENT

Bill 53

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

**SECTION 1 (section 5 of the Act respecting protection against reprisals
related to the disclosure of wrongdoings)**

In proposed section 5:

1. Insert "of becoming aware" after "within 90 days" in the first paragraph.
2. Replace the third paragraph by:

The Public Protector may, on reasonable grounds, relieve a person from failure to act within the time prescribed in the first paragraph.

*Adopté
TK*

AMENDMENT

Bill 53

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

**SECTION 1 (section 14 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

In proposed section 14:

1. Replace "last incidence" in subparagraph 1 of the first paragraph by "awareness".
2. Strike out the third paragraph.

*Adopté
TL*

AMENDMENT

Bill 53

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

**SECTION 1 (section 15 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

Strike out “, an inspection” in proposed section 15.

*Adopté
JK*

AMENDMENT

Bill 53

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

**SECTION 1 (section 15.1 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

Insert after proposed section 15:

“15.1. The president of the Administrative Labour Tribunal determines that a recourse exercised under this Act and relating to an alleged dismissal is to be heard and decided on an urgent basis if the president is of the opinion that the recourse appears, on its face, to be well-founded.



AMENDMENT

Bill 53

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

**SECTION 1 (section 17 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

In proposed section 17:

1. Replace "With the agreement of the complainant, the Public Protector" in the introductory clause by "If the parties refuse to enter into mediation or if no settlement is reached at the end of mediation, the Public Protector, with the agreement of the complainant,".
2. Replace "a recourse before a court in order that the subject-matter of the complaint be decided" in the second paragraph by "or has exercised a recourse before the Administrative Labour Tribunal under this Act or a civil recourse pertaining to alleged reprisals or threats of reprisal prohibited under this Act".



AMENDMENT

Bill 53

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

**SECTION 1 (section 17.1 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

Insert after proposed section 17:

“17.1. If, after making recommendations, the Public Protector considers that the public body has failed to take any satisfactory measure within a reasonable time, the Public Protector must so inform the minister responsible for that body in writing. If the Public Protector considers it expedient, the Public Protector may relate the case to the National Assembly in a special report or in the activity report referred to in section 28 of the Public Protector Act (chapter P-32).

Adopté

AMENDMENT

Bill 53

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

**SECTION 1 (section 18 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

Strike out “, an inspection” in proposed section 18.

*Adopté
JL*

AMENDMENT

Bill 53

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

SECTION 1 (section 25 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)

Replace proposed section 25 by:

"25. Sections 11, 11.1, the first and second paragraphs of section 13, sections 14, 14.1, 17.0.1, 26.2 to 29, the first paragraph of section 29.1 and section 32 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, in the framework of the functions the Public Protector exercises under this Act.

Adopté
N

AMENDMENT

Bill 53

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

**SECTION 1 (section 27 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

In proposed section 27:

1. Insert “, broken down according to the class of entity to which the complaints are related” at the end of subparagraph 1 of the first paragraph.
2. Replace “the activity report referred to in section 28 of the Public Protector Act” in the second paragraph by “the Public Protector’s activity report”.



AMENDMENT

Bill 53

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

**SECTION 1 (section 27.1 of the Act respecting protection against
reprisals related to the disclosure of wrongdoings)**

Insert after proposed section 27:

“27.1. The complaint of a person who believes they have been the victim of a reprisal or threats of reprisal prohibited under section 3 on the part of the Public Protector is processed by the Ethics Commissioner in compliance with sections 1 to 17.1, 20, 25 and 27, with the necessary modifications.



AMENDMENT

Bill 53

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

SECTION 50.1 (section 34 of the Public Protector Act)

Insert after section 50:

50.1. Section 34 of the Act is amended by replacing the second paragraph by the following paragraph:

“Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to or of correction of such information.”

Adopté

AMENDMENT

Bill 53

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

SECTION 8 (section 58 of the Act respecting the Autorité des marchés
publics)

Replace by:

- 8.** Section 58 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by replacing “third and fourth” by “second and third”.



AMENDMENT

Bill 53

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

SECTION 50 (sections 33.1 and 33.2 of the Public Protector Act)

Replace by:

50. The Act is amended by replacing section 33.1 by the following sections:

“33.1. Every person who contravenes any of the provisions of section 22 is liable to a fine of \$5,000 to \$30,000.

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



AMENDMENT

Bill 53

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

**SECTION 43 (section 36.4 of the Municipal Ethics and Good Conduct
Act)**

Replace by:

43. Section 36.4 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by replacing "third and fourth" by "second and third".

*Adopted
JK*

AMENDMENT

Bill 53

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

SECTION 45.1 (section 140 of the Act respecting labour standards)

Insert after section 45:

45.1. Section 140 of the Act is amended by striking out “, 11” in paragraph 6.

*Adopté
M*

AMENDMENT

Bill 53

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

SECTION 52 (Chapter VII.2 of the Educational Childcare Act)

Replace by:

52. Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1), comprising sections 101.21 to 101.34, is repealed.



AMENDMENT

Bill 53

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

SECTIONS 53 to 56 (Educational Childcare Act)

Withdraw.

Adopted

AMENDMENT

Bill 53

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

SECTION 57 (section 117.1 of the Educational Childcare Act)

Replace by:

57. Section 117.1 of the Act is repealed.

Adopted

AMENDMENT

Bill 53

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

SECTION 57.1 (section 117.2 of the Educational Childcare Act)

Insert after section 57, as amended:

57.1. Section 117.2 of the Act is amended by replacing "115.1 or 117.1" by "115.1".



AMENDMENT

Bill 53

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

SECTION 60

Replace “also continue” by “and the power to designate an officer responsible for dealing with disclosures provided for in that section also continue”.

A handwritten signature in blue ink, appearing to be 'Adolph' followed by a stylized monogram.

AMENDMENT

Bill 53

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

SECTION 61.1

Insert after section 61:

61.1. 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 the Minister of Families continue to be processed by that Minister in accordance with Division II of Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1), as it reads on *(insert the date preceding the date that is six months after the date of assent to this Act)*.



AMENDMENT

Bill 53

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

SECTION 67.1

Insert after section 67:

67.1. The information referred to in subparagraphs 7 and 8 of the first paragraph of section 17 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 complaints that are filed after those indicated in the Public Protector's last activity report must be indicated in the Public Protector's next activity report.

Adopte

AMENDMENT

Bill 53

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

SECTION 69.1

Insert after section 69:

69.1. The information referred to in section 101.30 of the Educational Childcare Act, as it reads on (*insert the date preceding the date that is six months after the date of assent to this Act*), concerning disclosures that are made after those indicated in the last annual management report of the Minister of Families must be indicated in the Minister of Families' next annual management report.

*Adopted
TR*

AMENDMENT

Bill 53

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

SECTION 70

Replace paragraph 1 by:

(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 later of the following dates:

(a) 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

(b) *(insert the date that is six months after the date of assent to this Act);*

Adopté