



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 196

Québec Public Sector Employees Disclosure Protection Act

Introduction

**Introduced by
Mr. Sylvain Simard
Member for Richelieu**

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EXPLANATORY NOTES

The purpose of this bill is to establish a procedure for the disclosure of wrongdoings committed by Québec public sector employees and to protect those who disclose wrongdoings.

The bill obliges chief executive officers of public bodies to create internal procedures that will allow public sector employees to make disclosures of wrongdoings, and prohibits reprisals against persons who make such disclosures.

The bill creates the office of Québec Public Sector Integrity Commissioner responsible for the administration of the new Act and defines the Commissioner's jurisdiction with regard to disclosures and reprisals.

The bill gives certain persons the right to legal advice with regard to a disclosure or to a complaint of reprisal.

In addition, it allows public sector employees who believe they have been subject to reprisals to file a complaint with the Commissioner, who will then conduct an investigation.

Under the bill, the Commissioner may refer a complaint to the Commission des relations du travail. The Commission, after conducting a hearing, may direct the chief executive officer of the public body concerned to take measures in favour of the employee who was subject to the reprisals, such as awarding punitive damages, and to take measures against the person who took the reprisals.

The bill also contains penal, amending and final provisions.

LEGISLATION AMENDED BY THIS BILL:

– Labour Code (R.S.Q., chapter C-27).

Bill 196

QUÉBEC PUBLIC SECTOR EMPLOYEES DISCLOSURE PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PRELIMINARY TITLE

OBJECT, APPLICATION AND INTERPRETATION

1. The object of this Act is to establish a procedure for the disclosure of wrongdoings committed by Québec public sector employees and to protect persons who disclose wrongdoings.

2. For the purposes of this Act, “public body” means any of the following bodies or persons in the Québec sector:

(1) the Conseil exécutif, the Conseil du trésor and the government departments;

(2) the Lieutenant-Governor, any person designated by the National Assembly to exercise a function under its authority and whose personnel is, by law, appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), and any body the majority of whose members are appointed by the National Assembly or its committees; and

(3) any of the following bodies:

(a) a government agency or government enterprise within the meaning of the Auditor General Act (R.S.Q., chapter V-5.01);

(b) the Université du Québec, its constituent universities, research institutes and superior schools within the meaning of the Act respecting the Université du Québec (R.S.Q., chapter U-1);

(c) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);

(d) a general and vocational college established under the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(e) a school board governed by the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), and the Comité de gestion de la taxe scolaire de l’île de Montréal;

(f) a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., chapter E-9.1);

(g) an educational institution more than half of whose expenditures are provided for in the budget estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(h) a public or private institution that is a party to an agreement under the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(i) the regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(j) a municipal body that is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1); and

(k) an agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011).

3. The deputy minister of a government department or, in the case of other public bodies described in section 2, the person responsible for administrative management, exercises the functions that this Act confers on the chief executive officer of a public body.

In the case of a school board, the Comité de gestion de la taxe scolaire de l'île de Montréal, a general and vocational college or an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level, the board of directors or governors or, in the case of a school board, the council of commissioners, is the chief executive officer. Such a board or council may, by by-law, delegate all or part of the chief executive officer's functions to the executive committee, to the director general or, in the case of an educational institution at the university level, to a member of the senior administrative personnel within the meaning of the Act respecting educational institutions at the university level.

TITLE I

WRONGDOING DISCLOSURE PROCEDURE

CHAPTER I

WRONGDOINGS

4. For the purposes of this Act, a wrongdoing is

(1) a contravention of a federal or provincial law;

(2) a serious breach of the obligations under sections 4 to 12 of the Public Service Act or any regulations made under that Act;

(3) a misuse of public funds or property;

(4) a gross mismanagement in the public sector;

(5) an act or omission that creates a substantial danger to the life, health or safety of persons, or to the environment, other than a danger inherent in the performance of the duties or functions of a public sector employee; or

(6) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs 1 to 5.

5. In addition to any other penalty provided for by this Act, a public sector employee who commits a wrongdoing is liable to disciplinary action in accordance with the law.

CHAPTER II

DISCLOSURE PROCEDURES

6. The chief executive officer of a public body must establish internal procedures allowing employees to make disclosures under this Act.

To that end, the chief executive officer may designate a senior officer to be responsible for receiving and dealing with disclosures.

7. The internal disclosure procedures established by the chief executive officer of a public body must

(1) respect the principles of natural justice and procedural fairness and, subject to any applicable law, protect the identity of the persons involved, including that of persons making disclosure, witnesses and persons alleged to be responsible for wrongdoings; and

(2) include procedures to ensure the confidentiality of information collected in relation to disclosures of wrongdoings.

8. A public sector employee may disclose to the employee's supervisor, the designated senior officer in the public body concerned, the chief executive officer of that public body or the Commissioner any information that the employee believes could show that a wrongdoing has been or is about to be committed in the public sector, or that the employee has been asked to commit a wrongdoing.

A person other than a public sector employee may disclose directly to the Commissioner any information that the person believes could show that a wrongdoing has been or is about to be committed in the public sector.

9. A supervisor who receives information under the first paragraph of section 8 must inform the designated senior officer or, if there is no such officer, the chief executive officer of the public body.

10. A designated senior officer who receives information under the first paragraph of section 8 or under section 9 must inform the chief executive officer of the public body.

11. A chief executive officer of a public body who receives information under the first paragraph of section 8 or under section 9 or 10 may request an investigation by the Commissioner if the subject-matter of the disclosure is sufficiently important.

12. Nothing in this Act authorizes a public sector employee or any other person to communicate to the Commissioner information that is protected by professional secrecy between advocate and client. The Commissioner may not use the information if it is disclosed.

13. A public sector employee or any other person may make a disclosure under section 8 despite the Act respecting Access to documents held by public bodies and the Protection of personal information and any other restriction provided for in other statutes.

14. Nothing in this Act affects the obligations of a public sector employee to disclose, report or otherwise give notice of a matter under another Act.

CHAPTER III

PROHIBITION AGAINST REPRISALS

15. No person may take reprisals or direct reprisals to be taken against a public sector employee because the employee has made a disclosure or collaborated in good faith in an investigation into a disclosure.

16. For the purposes of this Act, reprisals against a public sector employee include

- (1) disciplinary action;
- (2) a demotion;
- (3) a dismissal;
- (4) any measure that adversely affects the employment or working conditions of the employee; and
- (5) a threat to take any of the measures referred to in paragraphs 1 to 4.

TITLE II

QUÉBEC PUBLIC SECTOR INTEGRITY COMMISSIONER

CHAPTER I

APPOINTMENT

17. On the proposal of the Premier and with the approval of two thirds of its Members, the National Assembly appoints a Québec Public Sector Integrity Commissioner.

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

18. The Commissioner exercises the functions of office on a full-time basis, focussing on information, prevention, confidentiality, objectivity and impartiality.

The Commissioner also exercises any other function conferred on the Commissioner by law.

19. The Commissioner is appointed for a fixed term which may not exceed five years. At the end of the term, the Commissioner remains in office until reappointed or replaced.

The Commissioner may resign at any time by giving written notice to the President of the National Assembly. The Commissioner may only be removed from office by a resolution of the Assembly approved by two thirds of its Members.

20. Before entering into office, the Commissioner must take the oath provided in the schedule to this Act before the President of the National Assembly.

21. The Commissioner must avoid situations involving a direct or indirect conflict between the Commissioner's personal interest and the duties of office.

22. Subject to the appropriations granted by the Office of the National Assembly, the Commissioner appoints the personnel required for the exercise of the Commissioner's functions and determines their tasks and employment level.

The members of the Commissioner's personnel are appointed in accordance with the Public Service Act.

CHAPTER II

FINANCIAL AND ADMINISTRATIVE PROVISIONS

23. The Commissioner must prepare budget estimates and submit them before 1 April each year to the Office of the National Assembly, which approves them with or without modification.

24. If in the course of a fiscal year the Commissioner expects to exceed the budget estimates approved by the Office of the National Assembly, the Commissioner must prepare supplementary budget estimates and submit them to the Office of the National Assembly, which approves them with or without modification.

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

However, the Office of the National Assembly may, by regulation, depart from this Act provided it specifies the provisions departed from and the provisions that are to apply instead.

26. The provisions of the Financial Administration Act (R.S.Q., chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Commissioner.

27. The sums required for the application of this Act and for the exercise of any other function conferred on the Commissioner by law are those voted by an Act of the Parliament of Québec.

28. Not later than 30 September each year, the Commissioner must submit an activity report and financial statements for the preceding fiscal year to the President of the National Assembly, together with the Auditor General's report.

The President of the National Assembly tables the reports and financial statements in the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption.

The activity report must set out

- (1) the number of general inquiries relating to this Act;
- (2) the number of disclosures received and complaints made in relation to reprisals and the number of those that were acted on and those that were not acted on;
- (3) the number of investigations commenced under this Act;

(4) the number of recommendations that the Commissioner has made and their status;

(5) in relation to complaints made in relation to reprisals, the number of settlements, applications to the Commission des relations du travail and decisions to dismiss them;

(6) any recommendations for improvement that the Commissioner considers appropriate;

(7) the status of the activities of the public bodies subject to this Act, based on the reports sent by their chief executive officers under section 30; and

(8) any other matter that the Commissioner considers relevant.

29. The Commissioner may, at any time of the year, prepare a special report on any matter under the Commissioner's jurisdiction, if the urgency or importance of the matter so warrants.

30. Within 60 days after the end of each fiscal year, the chief executive officer of a public body must prepare and submit to the Commissioner a report on the activities of the public body with respect to disclosures made under the first paragraph of section 8 and sections 9 and 10.

CHAPTER III

POWERS AND IMMUNITY

31. No proceedings may be brought against the Commissioner or the Commissioner's employees for any act or omission in good faith in the exercise of their functions.

The Commissioner and any persons specially authorized by the Commissioner to conduct investigations have, for that purpose, the powers and the immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

32. Neither the Commissioner nor persons authorized by the Commissioner to conduct investigations may be compelled to give testimony relating to information obtained in the exercise of their functions or to produce any document containing such information.

33. Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the Commissioner or persons authorized by the Commissioner to conduct investigations.

A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered or order or injunction granted contrary to the first paragraph.

CHAPTER IV

COMMISSIONER'S JURISDICTION AND FUNCTIONS

34. The Commissioner is responsible for the administration of this Act.

35. The Commissioner makes regulations for the carrying out of this Act.

The regulations come into force on the date of their approval by the Office of the National Assembly. They are published in the *Gazette officielle du Québec*.

36. The Commissioner's functions include

(1) providing information and advice regarding the making of disclosures under this Act and the conduct of investigations by the Commissioner;

(2) receiving, recording and examining disclosures in order to establish whether there are sufficient grounds for further action;

(3) conducting investigations of disclosures made under section 8 or 11, including appointing persons to conduct the investigations on the Commissioner's behalf;

(4) ensuring that the right to procedural fairness and natural justice of all persons involved in investigations is respected, including persons making disclosures, witnesses and persons alleged to be responsible for wrongdoings;

(5) subject to any other applicable law, protecting, to the extent possible in accordance with the law, the identity of persons involved in disclosures or investigations, including that of persons making disclosures, witnesses and persons alleged to be responsible for wrongdoings;

(6) establishing procedures for processing disclosures and ensuring the confidentiality of information collected in relation to disclosures and investigations;

(7) examining the results of investigations into disclosures and reporting the findings to the persons who made the disclosures and to the appropriate chief executive officers;

(8) making recommendations to the appropriate chief executive officers concerning the corrective measures to be taken and reviewing reports on corrective measures taken by the chief executive officers in response to those recommendations; and

(9) receiving, examining, investigating and otherwise dealing with complaints made in respect of reprisals.

The Commissioner may delegate any of the functions set out in this section or any other function provided for in this Act and determine the manner of delegation.

37. The Commissioner may not deal with a disclosure under this Act if a person or body acting under another Act is dealing with the subject-matter of the disclosure other than as a law enforcement authority.

CHAPTER V

ACCESS TO LEGAL ADVICE

38. The Commissioner may provide access to legal advice to

(1) any public sector employee who is considering making a disclosure of wrongdoing under this Act;

(2) any person who is not a public sector employee who is considering providing information to the Commissioner in relation to any act or omission that may constitute a wrongdoing under this Act;

(3) any public sector employee who has made a disclosure under this Act;

(4) any person who is or has been involved in any investigation conducted by or on behalf of the Commissioner under this Act;

(5) any public sector employee who is considering making a complaint under this Act regarding an alleged reprisal taken against him or her; or

(6) any person who is or has been involved in a proceeding under this Act regarding an alleged reprisal.

The Commissioner may provide access to legal advice only if the public sector employee or person does not have other access to legal advice at no cost to them.

Moreover, the Commissioner may provide access to legal advice to a public sector employee referred to in subparagraph 1 or a person referred to in subparagraph 2 of the first paragraph only if the Commissioner is of the opinion that the act or omission to which the disclosure or the information relates likely constitutes a wrongdoing under this Act and that the disclosure or the provision of the information is likely to lead to an investigation under this Act.

39. The amount that may be paid by the Commissioner under section 38 for legal advice provided to a public sector employee or person in relation to an act or omission that may constitute a wrongdoing or reprisal, and the related terms and conditions, are determined by government regulation.

40. In determining the amount to be paid for legal advice, or the monetary value of the time to be spent providing it, the Commissioner must consider

(1) the degree to which the public interest may be affected by the subject-matter of the disclosure or the information provided; and

(2) the degree to which the public sector employee or person seeking the legal advice may be adversely affected as a result of his or her involvement in making the disclosure, providing the information, making the complaint or participating in the investigation or proceeding.

41. The relationship between the public sector employee or person to whom access to legal advice is provided under section 38 and the legal counsel providing the advice is that of advocate and client.

CHAPTER VI

INVESTIGATIONS INTO DISCLOSURES

42. The Commissioner may deal with a disclosure made under section 8 or a request made by the chief executive officer of a public body under section 11 by conducting an investigation to determine whether a wrongdoing has been committed.

Investigations are to be conducted as informally and expeditiously as possible.

The Commissioner may also, on the Commissioner's own initiative, conduct an investigation if the Commissioner has grounds to believe that a wrongdoing has been committed in the public sector by an employee or former employee.

43. The Commissioner may refuse to commence or to continue an investigation if the Commissioner is of the opinion that

(1) the subject-matter of the disclosure or the investigation could more appropriately be dealt with according to a procedure provided for under another Act;

(2) the subject-matter of the disclosure or the investigation is not sufficiently important;

(3) the disclosure was not made or the information not provided in good faith under sections 8 to 10;

(4) the length of time that has elapsed since the subject-matter of the disclosure or the investigation arose is such that dealing with it would serve no useful purpose; or

(5) there is another valid reason for doing so.

44. The Commissioner must refuse to deal with a disclosure or to commence an investigation if the Commissioner is of the opinion that the subject-matter of the disclosure or the investigation relates to a decision made under an Act in the exercise of an adjudicative or quasi-adjudicative function.

The Commissioner must refuse to deal with a disclosure or to commence an investigation if the Commissioner is of the opinion that the subject-matter of the disclosure or the investigation is within the jurisdiction of the Commission de la fonction publique under the Public Service Act.

If the Commissioner refuses to deal with a disclosure or to commence an investigation, the Commissioner must notify the person who made the disclosure and give reasons.

45. When commencing an investigation, the Commissioner must notify the chief executive officer concerned and inform the chief executive officer of the substance of the disclosure to which the investigation relates.

The Commissioner may also notify any other person, including the person who allegedly committed the wrongdoing to which the disclosure relates, of the conduct of an investigation and inform that person of the substance of the disclosure.

46. It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner. However, if at any time during the course of an investigation, it appears to the Commissioner that there may be sufficient grounds to make a report or recommendation that may adversely affect an individual or a public body, the Commissioner must, before completing the investigation, take every reasonable measure to give the individual or the chief executive officer of the public body a full and ample opportunity to answer any allegation, and to be represented by legal counsel, or by any person, for that purpose.

47. If the Commissioner so requests for the purposes of an investigation, chief executive officers and public sector employees must provide the Commissioner with any facilities, assistance, information and access to their respective offices that the Commissioner may require.

The first paragraph applies despite any restriction created by or under any other Act on the communication of information.

48. Before entering the premises of a public body in the exercise of investigation powers, the Commissioner must notify the chief executive officer of the public body.

49. A person the Commissioner summons as a witness has the right to be represented by legal counsel or by any other person.

50. If the Commissioner is of the opinion that a matter under investigation would involve obtaining information that is outside the public sector, the Commissioner must cease that part of the investigation and may refer the matter to the authority the Commissioner considers competent to deal with it.

51. If the Commissioner has reasonable grounds to suspect that information obtained in the course of an investigation may be used in the investigation or prosecution of an alleged contravention of any federal or provincial law, the Commissioner may, in addition to or in lieu of continuing the investigation, remit the information, at that point in time, to the appropriate peace officers or to the Attorney General of Québec.

52. After an investigation, the Commissioner must make a report containing recommendations as to the corrective measures to be taken, and send the report to the chief executive officer of the public body concerned.

The report must also specify the time within which the corrective measures should be implemented.

53. If the chief executive officer of a public body fails to satisfactorily implement corrective measures, the Commissioner may, if the Commissioner considers it necessary, make a report on any question arising from the investigation to the Minister responsible for the public body or to the board of directors or other managing body.

CHAPTER VII

JURISDICTION WITH REGARD TO REPRISALS

DIVISION I

COMPLAINTS TO THE COMMISSIONER

54. A public sector employee or former public sector employee who has reasonable grounds for believing a reprisal described in section 15 has been taken against him or her may file a complaint with the Commissioner.

55. A complaint must be filed not later than 60 days after the day on which the complainant knew, or in the Commissioner's opinion ought to have known, that the reprisal was taken.

However, the complaint may be filed after that time if the Commissioner feels it is appropriate considering the circumstances of the complaint.

56. Subject to section 61, the filing of a complaint under section 54 precludes the complainant from commencing proceedings—or, subject to the second paragraph, from continuing proceedings already commenced—under any other Act or collective agreement in respect of the measure alleged to constitute the reprisal.

The complainant must abandon any proceedings already commenced under another Act or collective agreement within 15 days after the filing of the complaint under section 54.

57. The Commissioner must refuse to deal with a complaint if the Commissioner is of the opinion that

(1) the subject-matter of the complaint was adequately dealt with according to a procedure provided for under another Act or a collective agreement and the complainant did not abandon the proceedings in accordance with the second paragraph of section 56;

(2) the complaint is beyond the Commissioner's jurisdiction under this Act; or

(3) the complaint was not made in good faith.

The Commissioner may refuse to deal with a complaint if the Commissioner feels its subject-matter could more appropriately be dealt with according to a procedure provided for under another Act or a collective agreement.

58. The Commissioner must decide whether or not to deal with a complaint within 15 days after it is filed or, if applicable, at the expiry of the time specified in the second paragraph of section 56.

59. If the Commissioner decides to deal with a complaint, the Commissioner must send a written notice of the decision to the complainant and to the person or entity that has the authority to take disciplinary action against each person who participated in the taking of a measure alleged by the complainant to constitute a reprisal.

The Commissioner must investigate complaints with diligence. The second paragraph of section 42 and sections 45 to 52 apply with the necessary modifications to the investigation.

60. The Commissioner may, at any time during the investigation and with the agreement of the parties, request the Minister to appoint a person to act as a mediator.

61. If the Commissioner decides not to deal with a complaint, the Commissioner must send a written notice of the decision to the complainant and give reasons.

DIVISION II

EXAMINATION OF COMPLAINTS BY THE COMMISSIONER AND PROCEEDINGS BEFORE THE COMMISSION DES RELATIONS DU TRAVAIL

62. If the Commissioner is of the opinion that a public sector employee or former public sector employee who has filed a complaint has been subject to a reprisal described in section 15, the Commissioner must immediately refer the case to the Commission des relations du travail.

If the Commissioner considers that it may not be concluded from the circumstances that the public sector employee or former public sector employee has been subject to a reprisal described in section 15, the Commissioner must dismiss the complaint.

63. The Commissioner must notify the following persons in writing of the Commissioner's decision to refer the case to the Commission des relations du travail or to dismiss the complaint:

- (1) the complainant;
- (2) if the complainant is a public sector employee, the complainant's supervisor and the chief executive officer of the public body concerned;
- (3) if the complainant is a former public sector employee, the person who was the complainant's supervisor and the person who was the chief executive officer of the public body concerned at the time the alleged reprisal was taken;
- (4) the person or persons identified in the investigation as being those who may have taken the alleged reprisal;
- (5) the person or entity with the authority to take disciplinary action against any person referred to in paragraph 4; and
- (6) any other person the Commissioner considers it appropriate to notify.

64. If it is shown to the satisfaction of the Commission des relations du travail that a public sector employee or former public sector employee who has filed a complaint has been subject to a reprisal described in section 15, there is a simple presumption in that person's favour that the reprisal was taken because of a disclosure made under this Act.

It is incumbent on the chief executive officer of the public body or on the supervisor concerned to prove just and sufficient cause.

65. Sections 117 to 137.10 of the Labour Code (R.S.Q., chapter C-27), except the second paragraph of section 117, subparagraph 2 of the first paragraph of section 118 and sections 125, 129 and 133, apply with the necessary modifications to a proceeding brought under this Division.

66. If the Commission des relations du travail determines that a public sector employee or former public sector employee who has filed a complaint has been subject to a reprisal described in section 15, the Commission may, by order, require that the appropriate chief executive officer, or any person acting on the chief executive officer's behalf, take all necessary measures to

(1) permit the complainant to return to his or her duties;

(2) reinstate the complainant or pay compensation to the complainant in lieu of reinstatement if, in the Commission's opinion, the relationship of trust between the parties cannot be restored;

(3) pay to the complainant compensation in an amount not greater than the amount that is equivalent to the remuneration that would, but for the reprisal, have been paid to the complainant;

(4) rescind any disciplinary action or other measure, and pay to the complainant compensation in an amount not greater than the amount that is equivalent to any financial or other penalty imposed on the complainant;

(5) pay to the complainant an amount equal to any expenses and any other financial losses incurred by the complainant as a direct result of the reprisal; or

(6) compensate the complainant, by an amount of not more than \$10,000, for any pain and suffering that the complainant experienced as a result of the reprisal.

67. The Commission des relations du travail may, by order, require the appropriate chief executive officer, or any person acting on the chief executive officer's behalf, to take all necessary measures to take disciplinary action, including dismissal or revocation of appointment, against any person who was determined by the Commission to have taken a reprisal described in section 15.

68. A person against whom disciplinary action is taken as a result of an order made under section 67 may not initiate a grievance or similar procedure under any Act or collective agreement in respect of the disciplinary action.

69. An order of the Commission des relations du travail becomes an order of the Superior Court when a certified copy of the order is filed in that court, and it may subsequently be enforced as such.

TITLE III
PENAL PROVISIONS

CHAPTER I
PROHIBITIONS

70. No person may, in a disclosure of a wrongdoing or in the course of an investigation under this Act, knowingly make a false or misleading statement, either orally or in writing, to a supervisor, a designated senior officer, a chief executive officer of a public body, the Commissioner or a person acting on behalf or under the direction of any of them.

71. No person may wilfully obstruct the Commissioner, or a person acting on behalf or under the direction of the Commissioner, in the exercise of their duties under this Act.

72. No person knowing that a document or thing is likely to be relevant to an investigation under this Act may

- (1) destroy, mutilate or alter the document or thing;
- (2) falsify the document or make a false document;
- (3) conceal the document or thing; or

(4) direct, counsel or cause, in any manner, any person to do anything mentioned in any of paragraphs 1 to 3, or propose, in any manner, to any person that they do anything mentioned in any of those paragraphs.

CHAPTER II
OFFENCES

73. Every person who contravenes section 15 or contravenes any of sections 70 to 72 commits an offence and is guilty of

(1) an indictable offence and liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than two years, or to both the fine and imprisonment; or

(2) an offence punishable on summary conviction and liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both the fine and imprisonment.

TITLE IV

AMENDING AND FINAL PROVISIONS

CHAPTER I

AMENDING PROVISION

74. Schedule I to the Labour Code (R.S.Q., chapter C-27) is amended by adding the following paragraph at the end:

“(27) section 63 of the Québec Public Sector Employees Disclosure Protection Act (*insert the year of assent and chapter number of this Act*).”

CHAPTER II

FINAL PROVISION

75. This Act comes into force on (*insert the date of assent to this Act*).

SCHEDULE
(*Section 20*)

OATH

I, (*name*), declare under oath that I will fulfill the duties of Québec Public Sector Integrity Commissioner with honesty and justice.

Furthermore, I swear that I will not, unless duly authorized, reveal or disclose anything that may come to my knowledge in or in connection with the exercise of my functions.

