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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 56  
(2004, chapter 31)

**An Act to amend the Act to secure the  
handicapped in the exercise of their  
rights and other legislative provisions**

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**Introduced 4 June 2004  
Passage in principle 11 November 2004  
Passage 15 December 2004  
Assented to 17 December 2004**

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## EXPLANATORY NOTES

*This bill proposes various measures intended to clarify the mission and functions of the Office des personnes handicapées du Québec, to help handicapped persons integrate into society, and to develop and organize resources and services for them.*

*The Office will thus take on a more explicit role in coordinating various measures affecting handicapped persons by, among other things, assessing those measures and formulating recommendations, if necessary. More specifically, the Office will have to promote the identification of solutions to reduce disparities in programs and services, individualized service planning, the use of a standard classification for impairments, disabilities and handicapping situations, the inclusion in training programs of elements dealing with the adaptation of interventions and services for handicapped persons, and the improvement of access standards for buildings and public places.*

*Another function of the Office will be to promote the creation of training and information programs with a view to the social, school and workplace integration of handicapped persons. It will also be responsible for assessing the progress of integration, among other things, and for testing or commissioning the testing of goods and services. The Office will have a more clearly stated advisory role in all matters affecting handicapped persons and greater powers to assist them and intervene in their behalf. It will thus be able to formulate recommendations or give opinions to a government department or other partner on any matter having to do with handicapped persons, and report to the minister responsible for the administration of this Act.*

*The Government is required to establish a policy for access to public documents and services. Moreover, government departments, public agencies with at least fifty employees and municipalities with at least 15,000 inhabitants will be required to produce and publish annually an action plan in behalf of handicapped persons. In their procurement process, the departments, public agencies and municipalities will have to consider whether or not goods and services are accessible to handicapped persons. In addition, the Minister must also be consulted during the development of measures provided for by law or regulation that could have a significant impact on handicapped persons.*

*The bill also proposes other measures concerning the workplace integration of handicapped persons and their access to buildings and paratransit services in municipalities. It proposes that equal access to employment programs, instead of hiring plans, be developed for handicapped persons, and it provides that the Minister must see that a report on the implementation of the Act is made every five years.*

*Lastly, the bill proposes other amendments concerning, among other things, the definition of “handicapped person” and the composition of the board of the Office.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);
- Public Administration Act (R.S.Q., chapter A-6.01);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Act respecting administrative justice (R.S.Q., chapter J-3).



## Bill 56

### AN ACT TO AMEND THE ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is replaced by the following:

“ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION”.

**2.** The heading of Chapter I of the said Act is amended by inserting “, OBJECTS AND POLICY DIRECTIONS” after “DEFINITIONS”.

**3.** Section 1 of the said Act is amended

(1) by striking out paragraph *a*;

(2) by inserting the following paragraph after paragraph *e*:

“(e.1) “public agency” means a government agency or enterprise within the meaning of the Auditor General Act (chapter V-5.01);”;

(3) by inserting “non-profit” before “organization established” in the first line of paragraph *f*;

(4) by replacing “promotional” in the first line of paragraph *f* by “advocacy”;

(5) by replacing paragraph *g* by the following paragraph:

“(g) “handicapped person” means a person with a deficiency causing a significant and persistent disability, who is liable to encounter barriers in performing everyday activities.”

**4.** The said Act is amended by inserting the following sections after section 1:

**1.1.** The object of this Act is to secure handicapped persons in the exercise of their rights and, through the involvement of government departments and their networks, municipalities and public and private agencies, to help

them integrate into society to the same extent as other citizens by providing for various measures to apply specifically to handicapped persons and their families, their living environments and the development and organization of resources and services for them.

To that end, this Act aims to enable the Office to efficiently carry out its role in assessing the integration of handicapped persons, to ensure compliance with the principles and rules of this Act and to play a decisive role in providing advice, coordination and consultation with a view to improving opportunities for handicapped persons.

**“1.2.** For the purposes of the measures provided for in this Act, the following policy directions serve to guide the Office, government departments and their networks, municipalities and public or private agencies:

(a) adopting an approach that views the handicapped person as a whole, respects individual characteristics and facilitates the increased development of capacities;

(b) facilitating the autonomy of handicapped persons and their participation in individual or collective decisions that concern them and in managing the services offered to them;

(c) giving priority to resources and services that enable handicapped persons to remain in or return to their natural living environments;

(d) facilitating the adaptation of the built environment to the needs of handicapped persons and their families without discrimination or privilege, the regional self-sufficiency of resources, and the effective linking of local, regional and Québec-wide resources;

(e) fostering continuing coordination for the management and complementarity of resources as well as the permanence and maximum integration of services;

(f) achieving a decent quality of life for handicapped persons and their families, full social integration of handicapped persons and maximum protection against risk factors for impairment.”

**5.** Section 6 of the said Act is replaced by the following section:

**“6.** The board of the Office is composed of 16 members entitled to vote, including a director general, all appointed by the Government.

The members of the board of the Office, except the director general, shall be designated in the following manner:

(a) 11 members, after consultation with the associations of handicapped persons that are the most representative of the various regions of Québec and

the various types of disabilities, among whom nine are handicapped persons or relatives or spouses of handicapped persons at the time of their appointment;

(b) one member, after consultation with the bodies that are the most representative of employers;

(c) one member, after consultation with the bodies that are the most representative of employees;

(d) one member, after consultation with the professional orders directly involved in services for handicapped persons;

(e) one member representing advocacy organizations, after consultation with the most representative of those organizations.”

**6.** The said Act is amended by inserting the following sections after section 6:

“**6.1.** The Deputy Minister of Municipal Affairs, Sports and Recreation, the Deputy Minister of Culture and Communications, the Deputy Minister of Education, the Deputy Minister of Employment, Social Solidarity and Family Welfare, the Deputy Minister of Relations with the Citizens and Immigration, the Deputy Minister of Health and Social Services, the Deputy Minister of Transport and the Deputy Minister of Labour or their delegates are also, *ex officio*, members of the board of the Office, but do not vote.

“**6.2.** After consultation with the board members referred to in section 6 other than the director general, the Government shall appoint a chairman from among the handicapped persons or relatives or spouses of handicapped persons referred to in paragraph *a* of that section. The chairman of the board shall chair the board meetings and oversee its activities.

The board members referred to in the first paragraph shall choose a vice-chairman from among them.”

**7.** Section 7 of the said Act is replaced by the following section:

“**7.** A government department whose deputy minister or delegate is not a member of the board of the Office or a public agency must, at the request of the Office, designate the deputy minister of the department or the person exercising the highest authority within the agency as a respondent to deal with any matter relating to handicapped persons, or designate a delegate of that person.

If the respondent of a government department or public agency is absent or unable to act, the government department or public agency must designate another respondent and inform the Office of the change as soon as possible.”

**8.** Section 8 of the said Act is amended

(1) by replacing “chairman” in the first line of the first paragraph by “director general”;

(2) by striking out the second paragraph.

**9.** Section 9 of the said Act is amended by inserting “of the board” after “member”.

**10.** Section 10 of the said Act is amended

(1) by inserting “of the board” after “member” in the first line;

(2) by replacing “chairman” in the second line by “director general”.

**11.** Section 11 of the said Act is amended by replacing “chairman” in the second line by “director general”.

**12.** Section 12 of the said Act is amended by replacing the first sentence by the following sentence: “A majority of the members of the board referred to in section 6, including the chairman or the vice-chairman and the director general, constitutes a quorum at sittings of the board.”

**13.** Section 13 of the said Act is repealed.

**14.** Section 14 of the said Act is amended by replacing “chairman” by “director general”.

**15.** Section 15 of the said Act is replaced by the following section:

“**15.** The director general is responsible for the administration and direction of the Office within the scope of its by-laws and policies.”

**16.** Section 16 of the said Act is amended by adding the following paragraph:

“If the director general is absent or unable to act, the director general shall be replaced by a person designated by the Government.”

**17.** Section 18 of the said Act is amended

(1) by replacing “, and three other members” in the second line by “, the director general and two other members of the board”;

(2) by replacing “of the Office” at the end by “of the board”.

**18.** Section 19 of the said Act is amended by replacing “of the Office” in the first line by “of the board”.

**19.** Section 21 of the said Act is amended



(1) by replacing the first paragraph by the following paragraphs:

**“21.** The Office may request, in writing, that a government department, a municipality, an educational institution, a school board, an institution, or a public agency send, within 90 days after receiving the request, any information or document it holds that has an impact on the integration of handicapped persons and that is required for the purposes of this Act. The Office indicates for which specific purposes it is making the request.

The following information and documents, in particular, are considered necessary for the purposes of the first paragraph:

(a) information and documents pertaining to the implementation of laws, policies and programs, that have an impact on the integration of handicapped persons, specifically, data on budgets and on the clientele served or waiting for services;

(b) information and documents collected for local, regional or Québec-wide statistics, research, studies or assessments dealing with the integration of handicapped persons.”;

(2) by striking out the second paragraph.

**20.** Section 22 of the said Act is amended by replacing “sections 20 and 21” by “section 20”.

**21.** Section 23 of the said Act is replaced by the following section:

**“23.** The Office must provide the minister responsible for the administration of this Act with any information requested on its operations.”

**22.** Section 24 of the French text of the said Act is amended by replacing “tenue” in the second line of the second paragraph by “tenu”.

**23.** The heading of Division II of Chapter II of the said Act and the heading of subdivision 1 of that division are replaced by the following:

**“DIVISION II**

**“MISSION AND FUNCTIONS OF THE OFFICE**

**“§1. — *Mission, duties and powers of the Office*”.**

**24.** Section 25 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs:

**“25.** The mission of the Office is to see that the principles and rules set out in this Act are complied with, and to ensure, within the scope of the powers granted to it, that the departments and their networks, the municipalities and the public and private agencies continue their efforts to increase opportunities for handicapped persons to integrate into and participate fully in community life.

The Office also sees to the coordination of actions to develop and deliver services for handicapped persons and their families, and facilitates and assesses, on a collective basis, the social, school and workplace integration of handicapped persons. In addition to promoting the interests of handicapped persons and their families, the Office informs, advises and assists them and makes representations in their behalf both on an individual and a collective basis.

In carrying out its mission, the Office shall seek the cooperation of organizations dedicated to promoting the interests of handicapped persons.”;

(2) by replacing “, municipalities, school boards and” in the first line of subparagraph *a* of the second paragraph by “and their networks, the municipalities and the”;

(3) by inserting the following subparagraphs after subparagraph *a* of the second paragraph:

“(a.1) advise the Minister, the Government, its departments and their networks, the municipalities and any other public or private agency on any matter affecting handicapped persons, and analyze and assess laws, policies, programs, action plans and services offered and formulate any recommendations it considers appropriate;

“(a.2) assess the degree of social, school and workplace integration of handicapped persons, identify the progress made in integration and the barriers encountered, and make recommendations for the elimination of those barriers to the minister responsible for the administration of this Act;

“(a.3) promote the implementation of solutions to eliminate barriers to the social, school and workplace integration of handicapped persons after consulting, if necessary, the Government, the government departments and their networks, the public agencies, the municipalities, the advocacy organizations and the research organizations;

“(a.4) promote the identification of solutions aimed at reducing disparities resulting from an impairment or disability, age or place of residence in the plans and services offered handicapped persons and in the response to their needs.”;

(4) by inserting the following subparagraph after subparagraph *b* of the second paragraph:

“(b.1) promote individualized service planning, particularly through service programs and intervention plans, in the government departments and their networks, the municipalities and any other public or private agency;”;

(5) by inserting the following subparagraph after subparagraph *d* of the second paragraph:

“(d.1) promote the use of a standard classification of impairments, disabilities and handicapping situations by government departments and their networks, municipalities, labour and employers’ organizations and other public and private agencies;”;

(6) by inserting the following subparagraphs after subparagraph *e* of the second paragraph:

“(e.1) promote, in the training programs of university, college and secondary level educational institutions and organizations responsible for vocational training, the inclusion of elements dealing with the adaptation of interventions and services for handicapped persons and, at the request of such institutions or organizations, advise them in that regard;

“(e.2) promote, in government departments and public and private agencies, the continued improvement of accessibility standards for buildings and public places, and advise those departments and agencies at their request;”;

(7) by replacing subparagraph *f* of the second paragraph by the following subparagraphs:

“(f) see that means are implemented to help handicapped persons find accessible housing;

“(f.1) promote the implementation of measures to identify in a secure manner dwellings occupied by handicapped persons requiring assistance in the event of a fire or other emergency;”;

(8) by inserting the following subparagraphs after subparagraph *g* of the second paragraph:

“(g.1) promote the creation of information and training programs designed to foster a better understanding of handicapped persons, their needs and the conditions conducive to their integration into and participation in community life, or develop such programs, in cooperation with advocacy and service organizations;

“(g.2) provide handicapped persons and their families, advocacy organizations and the settings where integration takes place, particularly childcare facilities, schools and workplaces, with tools and information to achieve the social, school and workplace integration of handicapped persons;”.

**25.** Section 26 of the said Act is amended

(1) by inserting “, in particular,” after “dealings” in the second line of paragraph *a*;

(2) by inserting the following paragraphs after paragraph *a*:

“(a.1) make representations in behalf of a handicapped person and, in conjunction with advocacy and service organizations, if applicable, provide assistance if that person’s security is threatened, if the person is exploited in any manner or if the person’s basic needs are not met, and, if necessary, request that the authorities concerned conduct an inquiry;

“(a.2) ensure, at the local, regional and Québec-wide levels, the implementation of the intersectoral actions necessary for the integration of one or more handicapped persons, and participate on request in the coordination of those actions, in particular with respect to the development and implementation of service programs;”;

(3) by replacing “school, vocational and social” in the second line of paragraph *d* by “social, school and workplace”;

(4) by striking out paragraph *e*.

**26.** The said Act is amended by inserting the following sections after section 26:

“**26.1.** Whenever the Office considers it appropriate, it may give its opinion to the minister, a government department, and its network, the municipalities or any other public or private agency on any matter related to the administration of this Act and recommend any measure it considers suitable.

“**26.2.** Within 90 days after receiving a recommendation from the Office, a government department, a municipality or a public agency shall inform the Office in writing of the actions it intends to take as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for such a decision.

“**26.3.** The Office may assist a person required to prepare and produce an action plan or a document under this Act.

“**26.4.** A government department, a municipality, an educational institution, a school board, an institution, and any other public agency and, in the case referred to in paragraph *a* of section 26, an insurance company shall cooperate with the Office in the exercise of its functions under paragraphs *a*, *a.1* and *a.2* of section 26.

**“26.5.** After consultation with the Office and not later than 17 December 2006, the Government shall establish a policy directing government departments and public agencies to provide reasonable accommodation for handicapped persons enabling them to have access to the documents, whatever their form, and to the services available to the public.”

**27.** Section 28 of the said Act is amended by inserting “of the board” after “members” in the second line of the second paragraph.

**28.** Sections 29 and 30 of the said Act are repealed.

**29.** Section 33 of the said Act is amended by striking out subparagraph *d* of the first paragraph.

**30.** The heading of subdivision 2 of Division II of Chapter II of the said Act is amended by replacing “*Promotional*” by “*Advocacy*”.

**31.** Section 34 of the said Act is amended

(1) by replacing “promotional” in the first line by “advocacy”;

(2) by inserting “, rights, and improved living conditions” after “interests” in the second line.

**32.** Section 35 of the said Act is amended by replacing “promotional” in the first line by “advocacy”.

**33.** Subdivision 3 of Division II of Chapter II of the said Act, comprising sections 36 to 44, is repealed.

**34.** The said Act is amended by inserting the following after section 44:

“§4. — *Testing*

“**44.1.** The Office may test or commission the testing of goods and services which, in its opinion, could provide innovative solutions to facilitate the social, school and workplace integration of handicapped persons and, to that end, enter into agreements, grant subsidies and provide technical or professional assistance.”

**35.** The heading of Chapter III of the said Act is amended by replacing “EDUCATIONAL, VOCATIONAL AND SOCIAL” by “SOCIAL, SCHOOL AND WORKPLACE”.

**36.** The heading of Division I of Chapter III of the said Act is replaced by the following heading:

“RESPONSIBILITIES OF THE OFFICE WITH REGARD TO SERVICE PROGRAMS”.

**37.** Section 45 of the said Act is amended by replacing “educational, vocational and social” in the third and fourth lines by “social, school and workplace”.

**38.** Divisions II and III of Chapter III of the said Act, comprising sections 52 to 61, are repealed.

**39.** The said Act is amended by inserting the following division after section 61:

**“DIVISION III.1**

**“GENERAL RESPONSIBILITIES OF GOVERNMENT DEPARTMENTS, PUBLIC AGENCIES AND MUNICIPALITIES**

**“61.1.** Not later than 17 December 2005, every government department or public agency employing at least fifty persons and every municipality with at least 15,000 inhabitants shall adopt an action plan identifying the barriers to integration handicapped persons encounter in the sector of activity of the department or agency, and describing the measures taken over the past year and those to be taken in the coming year to reduce barriers to integration in that sector of activity. The action plan includes any other element determined by the Government upon recommendation of the Minister, and must be prepared and published annually.

**“61.2.** The Minister is consulted in the development of measures provided for by law or regulation that could have a significant impact on handicapped persons.

**“61.3.** When purchasing or leasing goods and services, as part of their procurement process, government departments, public agencies and municipalities must consider whether or not the goods and services are accessible to handicapped persons.

**“61.4.** Not later than 17 December 2005, the government departments and public agencies shall appoint a coordinator of services for handicapped persons within their respective entities, and send the Office information on how to contact the coordinator. The coordinator may be the same person as the delegate or respondent referred to in section 6.1 or 7.

Any communication from the Office under this Act may be addressed to the coordinator.”

**40.** The heading of Division IV of Chapter III of the said Act is replaced by the following heading:

“SPECIFIC RESPONSIBILITIES RELATED TO THE WORKPLACE INTEGRATION OF HANDICAPPED PERSONS”.

**41.** Section 62 of the said Act is repealed.

**42.** Section 63 of the said Act is replaced by the following section:

**“63.** The minister responsible for Chapter III of the Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (chapter M-15.001) must facilitate the integration of handicapped persons into the labour market by formulating, coordinating, monitoring and assessing a strategy for the integration and continued employment of handicapped persons, and by establishing result-based objectives. The objectives must be determined in cooperation with labour and employers’ groups.

The Office, the Ministère des Affaires municipales, du Sport et du Loisir, the Ministère de l’Éducation, the Ministère du Développement économique et régional et de la Recherche, the Ministère des Finances, the Ministère de la Justice, the Ministère des Relations avec les citoyens et de l’Immigration, the Ministère de la Santé et des Services sociaux, the Ministère des Transports, the Ministère du Travail and the secretariat of the Conseil du trésor, in particular, shall be partners in this work.

The Minister may consult one or more organizations dedicated to promoting the interests of handicapped persons.

Before 17 December 2007, the Minister, in cooperation with the Office and the other ministers concerned, must submit a progress report to the Government.

The Minister shall table the report in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

Not later than 17 December 2009, the Minister must review the strategy, assess and measure the employment situation of handicapped persons, the actions implemented as a result of the strategy and the effects of the strategy, and report to the Government on those matters. The report must also make recommendations on the integration and continued employment of handicapped persons.

The Minister shall table the report in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.”

**43.** Sections 63.1 to 64 of the said Act are repealed.

**44.** Chapter IV of the said Act becomes Division V of Chapter III and its heading is replaced by the following heading:

**“DIVISION V**

**“TRANSPORTATION OF HANDICAPPED PERSONS”.**

**45.** Section 66 of the said Act is repealed.

**46.** Section 67 of the said Act is amended

(1) by replacing “Every public transport company” in the first line of the first paragraph by “A public transit authority, a municipal, intermunicipal or regional transport company constituted under the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1), the Cities and Towns Act (chapter C-19) or the Municipal Code of Québec (chapter C-27.1)”;

(2) by replacing “2 April 1979” in the first and second lines of the first paragraph by “17 December 2004”;

(3) by inserting the following sentence at the end of the fourth paragraph: “At any time, the Minister may request the implementation of corrective measures or, if necessary, the amendment of a previously approved plan and the production of a new plan within the time the Minister determines.”;

(4) by striking out the last paragraph.

**47.** The said Act is amended by inserting the following after section 68:

**“DIVISION VI**

**“BUILDING ACCESSIBILITY”.**

**48.** Section 69 of the said Act is replaced by the following section:

**“69.** Not later than 17 December 2006, the Minister of Labour shall report to the Government on the accessibility to handicapped persons of buildings subject to the Public Buildings Safety Act (chapter S-3) or the Act respecting occupational health and safety (chapter S-2.1) but not subject to the Building Code (Order in Council 3326 dated 29 September 1976).

The report, prepared in cooperation with the Office and the other government departments and public agencies concerned, must deal in particular with the problem posed by the non-accessibility of such buildings, the categories of buildings that could be subjected to or exempted from standards, and the cost of applying standards by category of building and according to a pre-determined schedule.



The Minister shall table the report in the National Assembly within 30 days or, if the National Assembly is not sitting, within 30 days of resumption.

During the year following the preparation of the report, the Minister of Labour must determine by regulation the categories of buildings that must be made accessible to handicapped persons and the accessibility standards owners must comply with.”

**49.** Sections 70 to 72.1 of the said Act are repealed.

**50.** The said Act is amended by inserting the following after section 72.1:

**“CHAPTER IV**

**“MISCELLANEOUS PROVISIONS”.**

**51.** Section 73 of the said Act is replaced by the following section:

**“73.** A person authorized in writing by the director general of the Office may enter, during working hours, the premises of a person, organization or business that has received a subsidy to ensure compliance with this Act, the regulations or the terms of a program, directive or agreement made with the Office, or to make sure that the subsidy is used for the purposes for which it was granted. The authorized person may require any pertinent information, examine any relevant book, register or document and make copies. The authorized person may also require any person on the premises to give reasonable assistance, and must, on request, produce a certificate attesting to the authorization received and bearing the signature of the director general of the Office.”

**52.** The said Act is amended by inserting the following section after section 73:

**“73.1.** The Office may, by regulation, determine the provisions of a by-law or regulation the contravention of which constitutes an offence.”

**53.** Section 74 of the said Act is amended

(1) by replacing “29, 31, 32, 37, 38, 45, 47, 52, 53, 57, 62 and 64” in the second line of the first paragraph by “31, 32, 45, 47 and 73.1”;

(2) by striking out the second and third paragraphs.

**54.** The said Act is amended by inserting the following sections after section 74:

**“74.1.** Not later than 31 October each year, the Office must send the Minister an annual report on its activities for the preceding fiscal year. The report must also contain any other information the Minister may require.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

The Office may also send the Minister a special report during the year, if the Office considers that the objectives of this Act require it.

The special report may, in particular, outline the action plans provided for in this Act and the follow-up given to the Office’s recommendations or opinions, comment on any matter affecting handicapped persons, and formulate recommendations or opinions to increase the opportunities for handicapped persons to integrate into and participate fully in community life.

**“74.2.** Not later than 17 December 2009 and every five years after that date, the Minister shall see that an independent report is made on the implementation of this Act.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

**“74.3.** No judicial proceedings may be brought against the Office or its board members or employees for an omission made or an act done in good faith in the performance of the duties of office.

**“74.4.** Except on a question of jurisdiction, no extraordinary recourse provided for in the Code of Civil Procedure (chapter C-25) may be exercised nor any injunction granted against the Office or the persons referred to in section 74.3.

**“74.5.** A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 74.3 or 74.4.”

**55.** Section 75 of the said Act is replaced by the following section:

**“75.** The following are guilty of an offence and are liable to a fine of \$500 to \$1,500 in the case of a natural person and to a fine of \$1,500 to \$7,000 in the case of a legal person:

(a) a person that contravenes the first paragraph of section 20 or a provision of a by-law or regulation the contravention of which constitutes an offence;

(b) a municipality, educational institution, school board, institution or insurance company that contravenes section 26.4;

(c) an advocacy organization that contravenes section 35;

(d) a person that hinders a person authorized under section 73 in the performance of the duties referred to in that section, misleads the authorized person by concealment or false declarations or refuses or omits to provide relevant information, access to a relevant book, register or document, or reasonable assistance.

In the case of a second or subsequent offence, the fines under the first paragraph are doubled.”

**56.** Section 76 of the said Act is amended

(1) by replacing “handicapped” in the second line of the first paragraph by “impaired”;

(2) by replacing “handicapped” in subparagraph *b* of the second paragraph by “impaired”.

**57.** With the exception of subparagraph *i* of the second paragraph of section 25, the text of the said Act is amended by inserting “persons” after the word “handicapped” wherever it appears without being followed by “person” or “persons”.

#### ACT RESPECTING EQUAL ACCESS TO EMPLOYMENT IN PUBLIC BODIES

**58.** Section 1 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01) is amended by inserting “, handicapped persons within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1),” after “women” in the third line.

**59.** The said Act is amended by inserting the following section after section 33:

**“33.1.** The fact that section 58 of the Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions (2004, chapter 31) adds handicapped persons to this Act as a target group does not change the obligations provided for in this Act with regard to the other groups to which it applies.

A public body to which this Act applies on 17 December 2005 must send its workforce analysis report on handicapped persons to the Commission des droits de la personne et des droits de la jeunesse within one year after that date, or by the date set by the Commission for analyzing its workforce with regard to other target groups, if that date is later.”

## PUBLIC ADMINISTRATION ACT

**60.** Section 29 of the Public Administration Act (R.S.Q., chapter A-6.01) is amended by striking out “or hiring plan for handicapped persons” in the second line of subparagraph 2 of the third paragraph.

## CHARTER OF HUMAN RIGHTS AND FREEDOMS

**61.** Section 86 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by adding the following paragraph after the third paragraph:

“An equal access to employment program established for a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is deemed to be non-discriminatory if it is established in conformity with the Act respecting equal access to employment in public bodies (chapter A-2.01).”

## CITIES AND TOWNS ACT

**62.** Section 467.11 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced by the following section:

**“467.11.** A municipality whose territory is not served by a public transit authority or other public body providing public transport that offers paratransit services must, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract with a person to make paratransit available within its territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution.

Similarly, the council may, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract with a person to provide links to points outside the territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution.”

## MUNICIPAL CODE OF QUÉBEC

**63.** Article 536 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is replaced by the following article:

**“536.** A local municipality whose territory is not served by a public transit authority or other public body providing public transport that offers paratransit services must, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract with a person to make paratransit available within its territory. The nature of the measures to be implemented for the purposes of this article must be described in the resolution.

Similarly, a local municipality may, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract with a person to provide links to points outside the territory. The nature of the measures to be implemented to comply with this article must be described in the resolution.”

#### PAY EQUITY ACT

**64.** Section 8 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by striking out paragraph 4.

#### PUBLIC SERVICE ACT

**65.** Section 53 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by striking out “or a program designed to ensure the hiring of handicapped persons” in the second and third lines of the second paragraph;

(2) by striking out “ou ce plan” in the fourth line of the French text of the second paragraph.

**66.** Section 53.1 of the said Act is amended by striking out “or program designed to ensure the hiring of handicapped persons” in the third and fourth lines.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**67.** Section 24 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by striking out “the identification of a handicapped person,” in the sixth and seventh lines.

**68.** Section 25 of the said Act is amended by striking out “4, 5,” in the first line of the second paragraph.

**69.** Section 1 of Schedule 1 to the said Act is amended by replacing “section 48 or 59” in paragraph 2 by “section 48”.

**70.** Section 3 of Schedule 1 to the said Act is amended

(1) by striking out paragraph 4;

(2) by striking out paragraph 5.

**71.** A reference in any Act, regulation or other document to the Act to secure the handicapped in the exercise of their rights is replaced by a reference to the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration, unless the context indicates otherwise.

**72.** In any Act, regulation or other document, “adapted work centre” and “adapted work centres” are replaced by “adapted enterprise” and “adapted enterprises” respectively.

#### TRANSITIONAL AND FINAL PROVISIONS

**73.** Not later than 17 December 2007, the Office des personnes handicapées du Québec, in consultation with all the partners concerned by the social, school and workplace integration of handicapped persons, must update the policy document entitled “On Equal Terms”.

**74.** The members of the Office des personnes handicapées du Québec whose term has expired become members of the board of the Office until they are replaced or reappointed.

The other members of the Office and the chairman complete the unexpired portion of their term as members of the board and director general of the Office respectively.

**75.** The director general acts as chairman of the board of the Office until a chairman is appointed.

**76.** A member of the Office des personnes handicapées du Québec referred to in paragraph *a* of section 6 of the Act to secure the handicapped in the exercise of their rights and in office on 16 December 2004 is deemed to be a handicapped person or the relative or spouse of a handicapped person, until replaced or reappointed.

**77.** Until the coming into force of section 33 of this Act, section 37 of the Act to secure the handicapped in the exercise of their rights is amended

(1) by replacing “, in majority, handicapped persons” in the first line of paragraph *b* by “handicapped persons, who make up at least 60% of its workforce and who are”;

(2) by adding “and to facilitate their integration into the non-adapted labour market” at the end of paragraph *b*;

(3) by adding the following paragraph after paragraph *d*:

“When a certificate is issued or at any other time, the Office may exempt, on the conditions it determines, a cooperative or a non-profit organization from the requirement to have a workforce at least 60% of which is made up of handicapped persons.”

**78.** Until the coming into force of section 33 of this Act, any new regulation of the Office des personnes handicapées du Québec under section 37 or section 38 of the Act to secure the handicapped in the exercise of their rights must be approved by the Government.

Section 73 of that Act also applies with respect to an adapted work centre.

**79.** Until the coming into force of section 33 of this Act, whoever

(1) contravenes section 36 of this Act, or

(2) hinders a person authorized under section 73 in the performance of the duties of office referred to in that section, deceives the authorized person by concealment or false declaration, or refuses or fails to communicate any relevant information, provide access to a relevant book, register or document, or provide reasonable assistance when the authorized person is performing the duties of office on the premises of an adapted work centre

is guilty of an offence and is liable to the fines provided for in section 75 of the Act to secure the handicapped in the exercise of their rights.

**80.** Paragraphs 1 and 2 of section 46 of this Act do not apply to a public transit authority or a municipal or intermunicipal transport company that has already received the approval of the Minister of Transport for a development plan to provide paratransit in the territory served by that authority or company.

**81.** Until the coming into force of sections 65 and 66 of this Act, section 72.1 of the Act to secure the handicapped in the exercise of their rights continues to apply with regard to a hiring plan for handicapped persons applicable in the public service.

**82.** This Act comes into force on 17 December 2004, except sections 58, 59, 61, 62 and 63, which come into force on 17 December 2005, and paragraph 1 of section 3, sections 29, 33, 60, 65, 66 and 68 to the extent that it refers to paragraph 5 of Schedule 1 to the Act respecting administrative justice and paragraph 2 of section 70, which come into force on the date or dates to be set by the Government.